Llywodraeth Cymru
Welsh Government

Planning Policy Wales

Edition 10 | December 2018

Foreword by the Cabinet Secretary for Energy, Planning and Rural Affairs

I am very pleased to present to you a completely revised version of Planning Policy Wales (PPW).

PPW will deliver the vision of the Wales we want set out in the Well-being of Future Generations Act: a more prosperous Wales, a resilient Wales, which supports healthy, functioning ecosystems and recognises the limits of the global environment, a healthier Wales, a more equal Wales, a Wales of more cohesive communities, a Wales of vibrant culture and a globally responsible Wales.

PPW plays a significant contribution to the improvement of well-being in all its aspects as defined by the statutory well-being goals. It embeds the spirit of the Well-being of Future Generations Act, through moving us towards a low carbon, resilient society, of providing secure and well-paid jobs, and of building well-connected environments for everyone in Wales that improves our lives and health and enhances our well-being. It will help prepare for a more diverse population and a greater ageing population, by supporting the integration of services, embedding social cohesion, and ensuring for example that sites of new housing ensure equality, access to the Welsh language, and encourage a sense of belonging.

Our policies gives a clear message that we are planning for future resilient urban areas and rural communities, embracing technology and innovation, including smart working, which also anticipate progress to ensure that Wales is at the forefront of planning.

The concept of placemaking introduced in this policy is a key element to deliver on the aspirations of the Act and drive plan making and development management decisions. It embraces the statutory goals and ways of working as well as giving clear direction through the definition of key planning principles and placemaking outcomes in Wales.

PPW will help to ensure that the planning decisions taken in Wales, no matter how big, or how small, are going to improve the lives of both our current and future generations. It will support changing the way we live and work, and the buildings and environment of Wales, today, building a better environment to accommodate current and future needs.

Productive and Enterprising places are those which promote our economic, social, environmental and cultural well-being by providing well-connected employment and economic development in pleasant surroundings. These places are designed and sited to promote healthy lifestyles and tackle climate change by making them easy to walk and cycle to and around, access by public transport, minimising the use of non-renewable resources and using renewable and low carbon energy sources.

Active and Social Places are those which promote our economic, social, environmental and cultural well-being by providing well-connected cohesive communities for all sectors of society, allowing everyone to have a good quality of life by living in strong and safe communities, improving access to services, cultural opportunities and recreation facilities to support people to adopt healthy lifestyles, securing socially inclusive development and more cohesive communities.

Finally, the Natural and Distinctive places are those which value the quality of our landscapes and historic environment, future proof economic assets both in response to the challenges presented by climate change and in promote low carbon solutions, protecting landscapes and habitats, enabling opportunities for connecting with the natural environment and encouraging healthier lifestyles with the benefit of improving physical and mental well-being.

Together these elements have helped develop our approach to planning policy in Wales that makes it fit for the future and helping to promote prosperity for all.

Lesley Griffiths AM
Cabinet Secretary for Energy, Planning and Rural Affairs

Contents

1. Introduction 6-13

What this document sets out to do 6

Development Plans 11

Managing New Development 12

2. People and Places: Achieving Well-being Through Placemaking 14-25

Maximising Well-Being and Sustainable Places through Placemaking 14

Key Planning Principles 17

National Sustainable Placemaking Outcomes 19

Planning Policy Wales and Placemaking 21

3. Strategic and Spatial Choices 26-41

Placemaking in Action 26

Good Design Making Better Places 26

Promoting Healthier Places 31

The Welsh Language and Placemaking 32

Sustainable Management of Natural Resources 32

Placemaking in Rural Areas 33

Strategic Placemaking 35

Spatial Strategy and Site Search Sequence 35

Accessibility 36

New Settlements 37

Previously Developed Land 37

The Best and Most Versatile Agricultural Land 38

Supporting Infrastructure 39

Managing Settlement Form – Green Belts and Green Wedges 39

4. Active and Social Places 42-71

Introduction 46

Moving within and between places 46

Transport 46

Living in a Place 54

Housing 54

Activities in Places 62

Retail and Commercial Development 62

Community Facilities 70

Recreational Spaces 70

5. Productive and Enterprising Places **72-117**
Introduction 77
Economic Infrastructure 77
Context 77
Electronic Communications 77
Transportation Infrastructure 79
Economic Development 83
Tourism 85
The Rural Economy 86
Energy 87
Context 87
Reduce Energy Demand and Use of Energy Efficiency 90
Renewable and Low Carbon Energy 91
Energy Minerals 96
Making Best Use of Material Resources and Promoting the Circular Economy 99
Context 99
Design Choices to Prevent Waste 100
Sustainable Waste Management Facilities 102
Minerals 105

6. Distinctive and Natural Places **118-163**
Introduction 123
Recognising the Special Characteristics of Places 123
The Historic Environment 123
Green Infrastructure 129
Landscape 131
Biodiversity and Ecological Networks 134
Coastal Areas 143
Recognising the Environmental Qualities of Places 146
Water and Flood Risk 146
Air Quality and Soundscape 152
Lighting 158
Unlocking Potential by Taking a De-risking Approach 158

Annex A – Legislative Context for Planning in Wales **164**

Annex B – The national sustainable placemaking outcomes **166**

1 Introduction

What is the Planning System?

The planning system manages the development and use of land in the public interest, prioritising long term collective benefit, contributing to improving the economic, social, environmental and cultural well-being of Wales. It must reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, ensuring the sustainable management of natural resources and protecting, promoting, conserving and enhancing the built and historic environment.

What this document sets out to do

1.1 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales. PPW, the TANs[1], MTANs[2] and policy clarification letters[3] comprise national planning policy.

1.2 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well functioning planning system is fundamental for sustainable development and achieving sustainable places.

1.3 PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities. It encourages a wider, sustainable and problem solving outlook which focuses on integrating and addressing multiple issues rather than on an approach which is fragmented, un-coordinated and deals with issues in isolation. It provides an opportunity to remove any actual or perceived problems in current approaches and stimulate and support innovative and creative ideas as well as high standards of evidence and assessment to underpin the preparation of development plans and strategies and individual proposals. Monitoring and learning from development outcomes so as to drive sustainable improvements in planning practice is also important.

[1] https://gov.wales/topics/planning/policy/tans/?lang=en
[2] https://gov.wales/topics/planning/policy/mineralstans/?lang=en
[3] https://gov.wales/topics/planning/policy/policyclarificationletters/?lang=en

1.4 PPW and the National Development Framework (NDF) set out how the planning system at a national, regional and local level can assist in delivering these requirements through Strategic Development Plans (SDPs) and Local Development Plans (LDPs).

1.5 Planning procedural advice is given in the Development Plans Manual[4] and Development Management Manual[5] as well as Welsh Government circulars and letters. The Development Plans Manual provides guidance relating to the preparation and implementation of SDPs, LDPs and Place Plans. The Development Management Manual focuses on the procedural aspects of development management and provides guidance for all participants in the development management process to encourage greater fairness, transparency and consistency across Wales. Both the Manuals are to be read in conjunction with PPW and the relevant legislation.

1.6 This suite of documents places at the heart of the planning system in Wales our commitment to delivering and maximising the contribution planning makes to the achievement of the goals set out in the Well-being of Future Generations Act. Planning authorities are under a duty to have regard to the 'Well-being Plans' published by the Public Service Boards (PSBs) during SDP/LDP preparation and review and they form a key part of the evidence base. Reference documents provide information that should be read in conjunction with this document.

1.7 Where appropriate, PPW translates wider Welsh Government objectives, strategies and policy into land use planning policy. PPW will continue to be monitored and reviewed in relation to the Welsh Government's objectives, strategies and policies and will be amended where changes to land-use planning policy can assist in achieving these outcomes.

1.8 The Index of Planning Policy Guidance for Wales provides a guide to extant published planning documents. These are available on the Welsh Government's website.

1.9 **PPW should be read as a whole**, as aspects of policy and their application to a particular development proposal could occur in several parts of the document. Where '**must**' is used in the document it reflects a legislative requirement or indicates where action is needed now to make changes in practice over the long term to achieve strategic outcomes. Where '**should**' is used it reflects Welsh Government expectations of an efficient and effective planning system.

1.10 Diagrams used in this document are presented as visual aids to enable understanding of the policy content. In themselves they are not statements of policy.

Figure 1: The Planning Framework

[4] https://gov.wales/topics/planning/policy/policy-and-guidance-on-development-plans/?lang=en
[5] https://gov.wales/topics/planning/policy/development-management-manual/?lang=en

What is Sustainable Development?

"Sustainable Development" means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Well-being of Future Generations

1.11 The Well-being of Future Generations Act places a duty on public bodies to carry out sustainable development. This is not a new concept for the planning system as the principles of sustainable development have been at the heart of planning policy since PPW was first published in 2002. However, the concept has been expanded under the Well-being Act and it requires an improvement in the delivery of all four aspects of well-being: social, economic, environmental and cultural.

1.12 The Well-being Act provides a clear definition of sustainable development.

1.13 The Well-being Act has established seven well-being goals which are intended to shape the work of all public bodies in Wales.

1.14 In order to demonstrate that appropriate consideration has been given to the Well-being goals and sustainable development principle in the decision making process, public bodies are required to have regard to the 'five ways of working' contained in the Well-being Act. These require consideration of: involvement; collaboration; integration; prevention; and long term factors.

Figure 2:
The Well-being of Future Generation's Goals

The Planning System in Wales

1.15 The Planning Act introduced a statutory purpose for the planning system. Any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as defined in the Well-being of Future Generations Act. The planning system is central to achieving sustainable development in Wales. It provides the legislative and policy framework to manage the use and development of land in the public interest so that it contributes positively to the achievement of the well-being goals.

1.16 The Well-being of Future Generations Act also establishes 'Five Ways of Working' which public bodies need to demonstrate they have carried out in undertaking their sustainable development duty. Giving consideration to these ways of working is an intrinsic part of the planning system. It will be for each decision making body to demonstrate how they have operated in this manner.

1.17 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is essential that plans are adopted and kept under review. Legislation secures a **presumption in favour of sustainable development** in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.

1.18 The planning system should be efficient, effective and simple in operation. It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land. It should not discriminate against or favour any particular group or members of society.

1.19 In taking planning decisions the planning authority must clearly state the reasons for the decision. Those proposing development also have a responsibility to provide sufficient information to enable the decision maker to make an informed judgement on whether the proposed development is sustainable (i.e. contributes to social, economic, environmental and cultural well-being).

1.20 The planning system should not be used to secure objectives which are more appropriately achieved under

other legislation. The aim should be to maintain the principle of non-duplication, wherever possible, even where powers and duties resulting from other legislation may also be the concern of local authorities. This does not mean failing to address issues which the planning system should be properly concerned with. In practice issues will often overlap and in such circumstances the planning system will have a preventative and early role to play and is capable of both avoiding the creation of problems and securing multiple benefits through positive and proactive planning approaches. Where appropriate it will be advantageous to address issues in parallel. The grant of planning permission does not remove the need to obtain any consent that may be necessary, nor does it imply that such consents will be forthcoming, and similarly, the granting of other consents should not be used to justify the granting of planning permission.

Development Plans

1.21 Up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making. Plans at all levels of the development plan hierarchy must be prepared in accordance with national planning policies. Planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise.[6] Development plans must show how places are expected to change to accommodate development needs over the plan period. They provide certainty for developers and the public about the type of development that will be permitted at a particular location. There are three types of statutory development plans, and discretionary, non-statutory Place Plans.

National Development Framework

1.22 The Planning Act requires the Welsh Ministers to produce and keep up-to-date the NDF. The NDF must cover a 20 year period accommodating Government priorities into a single, coherent direction, indicating the land use implications of key goals and objectives. The NDF sets out Welsh Government land use priorities and provide a national land use framework for SDPs and LDPs. The NDF concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

1.23 The NDF forms part of the statutory development plan. SDPs and LDPs must be in general conformity with the NDF. This is tested through the examination process.

Strategic Development Plans

1.24 The Planning Act provides a legal framework for the preparation of SDPs. Strategic Plans should be prepared on a regional basis and should reflect functional areas, to address issues such as regional housing markets, travel to work patterns and economic opportunity areas. The preparation of an SDP allows opportunities and challenges to be considered and planned for in an integrated and comprehensive way, promoting the achievement of positive planning outcomes.

1.25 SDPs must be in general conformity with the NDF.

Local Development Plans

1.26 Local Development Plans should set out a vision for how places are expected to change in land-use terms to accommodate development needs over the plan period. This provides

[6] Section 38(6) of the Planning and Compulsory Purchase Act 2004.

certainty for developers and the public about the type of development that will be permitted at a particular location. LDPs contain locally specific policies to explain or develop national policy further and to take forward local priorities for action. Evidence is needed to support LDP policies which is tested through the Examination procedure. They may be prepared individually or jointly by two or more planning authorities.

1.27 LDPs should have regard to the relevant local well-being plans and area statements which have been produced for the area. LDPs must be in general conformity with the NDF and SDP.

Place Plans

1.28 Place Plans are non statutory documents. They may be prepared at the initiation of the local community and are a powerful tool to promote collaborative action to improve well-being and placemaking. Place Plans should support the delivery of LDP policies and are adopted as supplementary planning guidance.

1.29 Detailed procedural advice on the preparation of SDPs, LDPs and Place Plans is contained in the Development Plan Manual.

Managing New Development

1.30 Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications. It is led by the planning authority, working collaboratively with those proposing developments and other stakeholders including the local community. It must be undertaken in the spirit of partnership and inclusiveness (using the five ways of working) and supports the delivery of key priorities and outcomes (contributing to improving the social, economic, environmental and cultural well-being).

1.31 Detailed guidance on the processes and procedures that should be followed can be found in the Development Management Manual.

The Welsh Ministers' General Role in Decision Taking[7]

1.32 Development proposals are generally best determined locally by LPAs which know their area, its needs and sensitivities. The Welsh Ministers do not interfere with LPAs' jurisdiction unless it is necessary to do so. Certain types of planning application, however, must be made, referred or notified to the Welsh Ministers.

1.33 Planning applications for Developments of National Significance (DNS) are made directly to the Welsh Ministers. Categories of DNS and their associated thresholds are published by the Welsh Ministers and there is detailed guidance which supplements the determination process.

1.34 LPA's must refer to the Welsh Ministers, in accordance with the provisions of relevant Notification Directions, applications which they do not propose to refuse for the following categories of development:

(i) **Flood Risk Area Development** – incorporating emergency services or highly vulnerable development (10 or more dwellings for residential schemes), where the entire site is within flood zone C2;

(ii) **Significant Residential Development** – residential development of more than 150 units or residential development on more than 6 hectares of land, not in accordance with the provisions of the development plan in force in the area;

[7] Further information can be found at: https://gov.wales/topics/planning/developcontrol/?lang=en
Please note we anticipate forthcoming changes to the scope of some of the Notification Directions.

(iii) **Minerals Development** – development consisting of or including the winning and working of minerals on new sites or extensions to existing sites, not in accordance with the provisions of the development plan in force in the area;

(iv) **Waste Development** – development which is intended for use wholly or mainly for the deposit of waste into or on to land, not in accordance with the provisions of the development plan in force in the area;

(v) **Aggregates Development in National Parks and Areas of Outstanding Natural Beauty** – development involving the extraction of aggregates on new sites or extensions to existing sites in these statutorily designated areas;

(vi) **Unconventional Oil and Gas Development** – development involving the onshore exploration, appraisal or production of coal bed methane or shale oil or gas using unconventional extraction techniques, including hydraulic fracturing (but does not include the making of exploratory boreholes which do not involve the carrying out of such unconventional extraction techniques);

(vii) **Underground Coal Gasification** – development connected to the gasification of coal in the strata (but does not include the drilling of boreholes solely for the purpose of core sampling).

1.35 In certain instances, the Welsh Ministers may 'call in' planning applications for their own determination. These powers are used selectively and each application is looked at individually. 'Calling in' applications is generally only considered appropriate where a proposal raises planning issues of more than local importance. It could be considered appropriate, for example, in the case of proposals that:

- are in conflict with national planning policies;
- could have wide effects beyond their immediate locality;
- may give rise to substantial controversy beyond the immediate locality;
- are likely significantly to affect sites of scientific, nature conservation or historic interest or areas of landscape importance;
- raise issues of national security; or
- raise novel planning issues.

1.36 The Welsh Ministers have reserve powers to make their own Revocation/ Modification or Discontinuance Orders, but only after consultation with the planning authority. Such intervention would overturn a planning authority's judgement on a matter which is, in the first place, its responsibility and may only be justified in exceptional circumstances. The general principle is that such action should be considered only where the original decision is judged to be grossly wrong, so that damage would be done to the wider public interest. This policy also applies to the use of the Welsh Ministers' default powers in respect of listed buildings and conservation area consent.

1.37 The planning system operates within a comprehensive legal framework. Further information on relevant legislation can be found in **Annex A**.

2 People and Places: Achieving Well-being Through Placemaking

2.1 Everyone engaged with or operating within the planning system in Wales must embrace the concept of placemaking in both plan making and development management decisions in order to achieve the creation of sustainable places and improve the well-being of communities.

2.2 Sustainable Places are the goal of the land use planning system in Wales; they are the output of the planning system rather than the process of achieving them. All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being.

2.3 The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

2.4 Individual places can take many forms and interpretation of what makes a good place will vary. Each place will have its own unique characteristics, history and identity, based on how people have and will interact with the landscape and townscape. This 'sense of place' varies, from the rural countryside which provides an economic and environmental base for agriculture and tourism to thrive, to urban areas which are continually evolving and providing the focus for major social and economic development. The intrinsic value of a place to people or communities is particularly important, which may be due to aesthetic, cultural, spiritual or historical reasons and planning authorities are best placed to understand these. Many of the unique characteristics of places will be revealed in the local well-being assessments and area statements produced in accordance with the Well-being of Future Generations and Environment Acts.

2.5 The planning system is the key mechanism for delivering sustainable places. It provides a critical mechanism where opportunities for long term benefit and integrated decision making meet, allowing preventative and proactive solutions to be found.

Maximising Well-being and Creating Sustainable Places through Placemaking

2.6 Sustainable placemaking is an inclusive process, involving all of those with a professional or personal interest in the built and natural environment, which focuses on developing plans, making decisions and delivering developments which contribute to the creation and enhancement of sustainable places.

2.7 Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.

John Lewis
John Lewis
Library
Caerdydd

2.8 Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven well-being goals and by using the five Ways of Working, as required by the Well-being of Future Generations Act. This will include seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals and policies in line with the Act's Sustainable Development Principle.

2.9 **The most appropriate way to implement these requirements through the planning system is to adopt a placemaking approach to plan making, planning policy and decision making.**

What is Placemaking?

"Placemaking" is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness, and well being in the widest sense.

Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.

Placemaking should not add additional cost to a development, but will require smart, multi-dimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions.

2.10 The principles of sustainable development and the approach to decision making contained in the five ways of working are matters that are already integral to the planning system. However, the planning system can and must improve in these areas if the requirements of the Planning Act and the Well-being of Future Generations Act are to be achieved. These improvements in the operation of the planning system must be encompassed in the approach taken to the creation of sustainable places that promote well-being in both our urban and rural areas. Good placemaking is therefore essential to the delivery of sustainable development and achieving improvements in the well-being of communities.

2.11 Ways of working in relation to policy statements are highlighted in the text of PPW by the use of the following symbols:

Well-being of Future Generations Act

2.12 **The planning system is a very important policy, decision making and delivery mechanism. It should seek to maximise delivery of outcomes against all aspects of well-being/sustainable development, thus seeking to maximise contributions towards all of the goals of the Well-being of Future Generations Act. This can be achieved by adopting a placemaking approach.**

Key Planning Principles

2.13 The plan-led system underpins the delivery of sustainable places to ensure all development plans and decisions taken by the planning system work together to deliver sustainable places. The 5 Key Principles (see Figure 3) represent a guiding vision for all development plans, including the NDF. These principles support the culture change needed to embrace placemaking and ensure that planning facilitates the right development in the right place.

2.14 These principles will enable the goals and five ways of working set out in the Well-being of Future Generations Act to be realised through land use planning. They provide the context and will act as a catalyst for the positive delivery of the planning system across Wales.

Figure 3:

Key Planning Principles –

Achieving the Right Development in the Right Place

Growing our economy in a sustainable manner

The planning system should enable development which contributes to long term economic well-being, making the best use of existing infrastructure and planning for new supporting infrastructure and services. Communities, national and local government, businesses, and the third sector must work together to take a long term view, integrating and aligning priorities through greater collaboration to achieve sustainable economic benefits for all in line with the well-being goals.

Making best use of resources

The efficient use of resources, including land, underpins sustainable development. The planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals. The proximity principle must be applied to ensure problems are solved locally rather than passing them on to other places or future generations. This will ensure the use of land and other resources is sustainable in the long term.

Facilitating accessible and healthy environments

Our land use choices and the places we create should be accessible for all and support healthy lives. High quality places are barrier-free and inclusive to all members of society. They ensure everyone can live, work, travel and play in a way that supports good physical and mental health. Our built and natural environments should be planned to promote mental and physical well-being. The best way of achieving this is to involve and collaborate with others to ensure issues are understood and prevented at the earliest opportunity through effective engagement with those affected by or having an interest in the development concerned.

Creating & sustaining communities

The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density, making places where people want to be and interact with others. Our communities need the right mix of good quality/well designed homes, jobs, services, infrastructure and facilities so that people feel content with their everyday lives.

Maximising environmental protection and limiting environmental impact

Natural, historic and cultural assets must be protected, promoted, conserved and enhanced. Negative environmental impacts should be avoided in the wider public interest. This means acting in the long term to respect environmental limits and operating in an integrated way so that resources and/or assets are not irreversibly damaged or depleted. The polluter pays principle applies where pollution cannot be prevented and applying the precautionary principle ensures cost effective measures to prevent environmental damage.

National sustainable placemaking outcomes

2.15 The national sustainable placemaking outcomes (see Figure 4) should be used to inform the preparation of development plans and the assessment of development proposals. The outcomes provide a framework which contains those factors which are considered to be the optimal outcome of development plans and individual developments. These outcomes, whilst highlighting the sustainable features of the place development plans and decisions help create, should be the starting point for plan makers and decision takers and be considered at the earliest possible opportunity.

2.16 The characteristics and qualities of places vary. Positive planning occurs at a level where detailed knowledge of how places 'work' is available and provides a valuable decision making resource. It is crucial when, in developing plans, planning authorities engage with people in their own communities, facilitating a collective, participatory process which focuses on achieving sustainable places. This requires engagement which goes beyond the statutory minimum for consultation set out in planning legislation and in accordance with the involvement principle set out in the Well-being of Future Generations Act.

2.17 **In responding to the key principles for the planning system, the creation of sustainable places and in recognition of the need to contribute to the well-being of future generations in Wales through placemaking, development plans and development proposals must seek to deliver developments that address the national sustainable placemaking outcomes.**

2.18 The national sustainable placemaking outcomes for Wales seek to outline what a sustainable place will look like, characterised by the planning principles they relate to.

2.19 Every development plan must take forward the national sustainable placemaking outcomes and use them to develop an overarching set of outcomes. Each development plan will consider the scale at which they will contribute, through policies and allocations, to achieving an outcome. Collectively, the focus on achieving these outcomes across all development plans will ensure the planning system plays its role in delivering sustainable places.

2.20 Not every development or policy proposal will be able to demonstrate they can meet all of these outcomes, neither can it necessarily be proved at the application or policy stage that an attribute of a proposal will necessarily lead to a specific outcome. However, this does not mean that they should not be considered in the development management process to see if a proposal can be improved or enhanced to promote wider well-being. It is for developers and planning authorities to identify these opportunities and act upon them.

Figure 4: National Sustainable Placemaking Outcomes

National Sustainable Placemaking Outcomes

Creating and Sustaining Communities

- Enables the Welsh language to thrive
- Appropriate development densities
- Homes and jobs to meet society's needs
- A mix of uses
- Offers cultural experiences
- Community based facilities and services

Growing Our Economy in a Sustainable Manner

- Fosters economic activity
- Enables easy communication
- Generates its own renewable energy
- Vibrant and dynamic
- Adaptive to change
- Embraces smart and innovative technology

Making Best Use of Resources

- Makes best use of natural resources
- Prevents waste
- Prioritises the use of previously developed land and existing buildings
- Unlocks potential and regenerates
- High quality and built to last

Maximising Environmental Protection and Limiting Environmental Impact

- Resilient biodiversity and ecosystems
- Distinctive and special landscapes
- Integrated green infrastructure
- Appropriate soundscapes
- Reduces environmental risks
- Manages water resources naturally
- Clean air
- Reduces overall pollution
- Resilient to climate change
- Distinctive and special historic environments

Facilitating Accessible and Healthy Environments

- Accessible and high quality green space
- Accessible by means of active travel and public transport
- Not car dependent
- Minimises the need to travel
- Provides equality of access
- Feels safe and inclusive
- Supports a diverse population
- Good connections
- Convenient access to goods and services
- Promotes physical and mental health and well-being

Figure 5: PPW Themes Collectively Contribute to Placemaking

Planning Policy Wales and Placemaking

2.21 At a strategic level traditional planning policy topics can be clustered around four themes which contribute individually to placemaking.

2..22 These themes draw together the linkages between planning policies to make it clear how individual components contribute to placemaking. Further detail is provided at the start of chapters 4-6. **Annex B** demonstrates how the national sustainable placemaking outcomes relate to the 7 Well-being goals and the themes of PPW. All policy topic areas (across themes) work together to create good places.

Implementing Placemaking through Planning Policy Wales

2.23 PPW must be used in the following way:

Figure 6:

How Must PPW be Used?

Development plans and proposals should be prepared within the context of the key planning principles of the planning system.

1

The first stage is to assess plans or proposals against the **Strategic and Spatial Choices** issues and the national sustainable placemaking outcomes.

This is a key gateway test which ensures these important issues are explored with opportunities identified along with potential mitigation measures.

2

Next, the detailed impact and contribution to **Active & Social** Places, **Productive and Enterprising** Places and **Distinctive & Natural Places** is assessed.

The considerations within each of these themes will vary on a case-by-case basis depending on the strategy or proposal concerned. However the merits, or otherwise, of a strategy or proposal need to be considered in the public interest.

3

This process will result in a strategy or proposal which contributes to the sustaining of or creation of sustainable places and which delivers on the national sustainable placemaking outcomes.

Assessing the Sustainable Benefits of Development

2.24 Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle. There may be occasions when one benefit of a development proposal or site allocation outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.

2.25 Key factors in the assessment process include:

Social Considerations

- who are the interested and affected people and communities;
- how does the proposal change a persons way of life, which can include:
  - how people live, for example how they get around and access services;
  - how people work, for example access to adequate employment;
  - how people socialise, for example access to recreation activities; and
  - how people interact with one another on a daily basis
- who will benefit and suffer any impacts from the proposal;
- what are the short and long-term consequences of the proposal on a community, including its composition, cohesion, character, how it functions and its sense of place; and

- how does the proposal support development of more equal and more cohesive communities.

Economic Considerations

- the numbers and types of long term jobs expected to be created or retained;
- whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities or upgrading the environment;
- the contribution the development would make to achieving wider strategies, for example the growth or regeneration of certain areas;
- the contribution this economic activity will have to wider policy goals; and
- how the proposal would support the achievement of a more prosperous, low carbon, innovative and resource efficient Wales.

Cultural Considerations

- how far the proposal supports the conditions that allow for the use of the Welsh language;
- whether or not the development protects areas and assets of cultural and historic significance;
- have cultural considerations and their relationships with the tourism industry been appropriately maximised;
- if the proposal protects areas known for their cultural value in terms of music, literature, sport and the arts; and
- vibrant cultural experiences.

Environmental Considerations

- will important features of the natural and built environment be protected and enhanced;
- are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved;
- is environmental protection for people and natural resources, property and infrastructure maximised and environmental risks prevented or appropriately managed;
- will high standards of restoration, remediation, decommissioning and beneficial after uses be achieved;
- will the depletion of non-renewable resources be minimised, waste prevented and the efficient and most appropriate use of materials made and re-use and recycling promoted;
- will the causes and impacts of climate change be fully taken into account through location, design, build, operation, decommissioning and restoration; and
- does it support decarbonisation and the transition to a low carbon economy.

2.26 When considering planning applications, planning authorities should seek the views of all relevant local authority departments and external specialist public bodies, particularly those with responsibility for Economic Development, Housing, Transport, Regeneration, Culture, Heritage and Environment/ Biodiversity, as this can assist in the identification of multiple benefits and an integrated approach to balancing priorities against policy on an individual basis. This will also enable the full range of costs and benefits over the lifetime of development to be taken into account, including those which cannot be easily valued in monetary terms, and considerations relating to timing, risks and uncertainties addressed.

3 Strategic and Spatial Choices

3.1 Effective strategic placemaking requires early collective consideration of placemaking issues at the outset, in the formulation of a development plan, or when developing specific proposals. The policy issues should not be considered in isolation from one another. This includes considering the design of a development and its impacts upon everyday lives as well as thinking holistically about where people might live and work and which areas should be protected. These crucial, early decisions will have the greatest impact on the type of development which is ultimately delivered and its contribution to sustainable development and the environmental, social, cultural and economic well-being of Wales.

3.2 The choices made at this stage should be shaped by appropriate engagement with the public and other stakeholders using the 5 Ways of Working to enhance proposals and ideas and to maximise their contribution to the well-being goals. Getting these aspects right, or in place, at an early stage, will enable more effective and justifiable decisions to be made further on in the development of plans and projects.

Placemaking In Action

Good Design Making Better Places

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. 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. These objectives can be categorised into five key aspects of good design (see Figure 7 overleaf):

Figure 7: Objectives of Good Design

Access and Inclusivity

3.5 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location,

density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

3.10 In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.

Community Safety

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.

Movement

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate.

3.13 Existing infrastructure must be utilised and maximised, wherever possible. Where new infrastructure is necessary to mitigate transport impacts of a development and to maximise accessibility by sustainable non-car modes, it should be integrated within the development layout and beyond the boundary, as appropriate. This could include works to connect cycle routes within a site to a wider strategic cycling network or provision of bus priority measures on highway corridors serving a new development.

Appraising Context

3.14 Site and context analysis[8] should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals.

Considering Design Issues

3.15 Development plans should include policies and guidance that promote good design in the built environment and be sufficiently robust to refuse poor quality development proposals. Planning authorities should consider strategic design issues (such as site location, context and connectivity) when making development plan allocations and reference these in the plan. A variety of tools (such as development briefs, design frameworks and supplementary planning guidance, including Place Plans) can be used to outline specific sustainable design requirements where applicable to a particular local issue or specific sites. These can also help to identify and coordinate opportunities to revitalise towns and other urban areas and to guide development generally. The Design Review service offered by the Design Commission for Wales[9] can provide independent advice and feedback on individual schemes and framework documents.

3.16 Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

Design and Access Statements

3.17 A Design and Access Statement[10] communicates what development is proposed, demonstrates the design process that has been undertaken and explains how the objectives of good design and placemaking have been considered from the outset of the development process. In preparing design and access statements, applicants should take an integrated and inclusive approach to sustainable design, proportionate to the scale and type of development proposal. They should be 'living' documents dealing with all relevant aspects of design throughout the process and the life of the development, clearly stating the design principles and concepts adopted and include illustrative material in diagrams, plans, elevations and sections where relevant.

---

[8] Further information is contained within Welsh Government Practice Guidance on Site and Context Analysis: https://beta.gov.wales/planning-developments-site-and-context-analysis-guide

[9] http://dcfw.org

[10] Further information is contained within Welsh Government Practice Guidance on Design and Access Statements: https://beta.gov.wales/planning-applications-guidance-design-and-access-statements-das

3.18 Where Design and Access Statements are not required, design and placemaking must still be taken into account when preparing and assessing development proposals.

Promoting Healthier Places

3.19 The built and natural environment is a key determinant of health and well-being. The planning system has an important role in shaping the social, economic, environmental and cultural factors which determine health and which promote or impact on well-being in line with the Healthier Wales goal. The way places work and operate can have an impact on the choices people make in their everyday lives, including their travel and recreational choices and how easy it may be to socialise with others.

3.20 Disadvantaged and deprived communities tend to be disproportionately affected by health problems. There are links between the built and natural environment and health throughout a persons lifetime and an understanding of the wider determinants of health should be a key component of development plan preparation. The planning system should identify proactive and preventative measures to reduce health inequalities. This will include enabling opportunities for outdoor activity and recreation, reducing exposure of populations to air and noise pollution, promoting active travel options and seeking environmental and physical improvements, particularly in the built environment.

3.21 Planning authorities have a role to play in the prevention of physical and mental illnesses caused, or exacerbated, by pollution, disconnection of people from social activities (which contributes to loneliness) as well as the promotion of travel patterns which facilitate active lifestyles. The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity. This will include considering the provision of, and access to, community and health assets, such as community halls, libraries, doctor's surgeries and hospitals. Health impacts should be minimised in all instances, and particularly where new development could have an adverse impact on health, amenity and well-being. In such circumstances, where health or amenity impacts cannot be overcome satisfactorily, development should be refused.

3.22 Planning authorities should develop and maintain places that support healthy, active lifestyles across all age and socio-economic groups, recognising that investment in walking and cycling infrastructure can be an effective preventative measure which reduces financial pressures on public services in the longer term. The way a development is laid out and arranged can influence people's behaviours and decisions and can provide effective mitigation against air and noise pollution. Effective planning can provide calming, tranquil surroundings as well as stimulating and sensory environments, both of these make an important contribution to successful places.

3.23 Green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces. In all development and in public spaces especially, there should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable. The compatibility of land uses will be a key factor in addressing air quality and creating appropriate soundscapes which are conducive to, and reflective of, particular social and cultural activities and experiences, particularly in busy central areas of towns and cities. Equally, the provision of quiet, tranquil areas which provide peaceful sanctuaries in otherwise noisy environments can hep to reduce general levels of pollution and promote both mental and physical well-being.

3.24 Where significant effects on human health are likely to arise as a result of development plans or individual development proposals, environmental impacts should be considered in full knowledge of the likely consequences for health. Information to assess potential impacts on health can be required through various mechanisms, such as sustainability appraisal of development plans and environmental impact assessments, and where relevant, health impacts should be incorporated into such assessments. In general, the most effective and collaborative ways of working will require shared and integrated approaches to evidence gathering and assessments. Health Impact Assessment[11] makes a valuable contribution towards plan making. It may be useful when proposing or making decisions on new development along with evidence collected by Public Service Boards. Evidence on health impacts can help the planning system develop stronger and more coherent approaches towards maximising health and well-being.

The Welsh Language and Placemaking

3.25 The Welsh language is part of the social and cultural fabric and its future well-being will depend upon a wide range of factors, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities and places. The land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its , use and the Thriving Welsh Language well-being goal.

3.26 Planning authorities must consider the likely effects of their development plans on the use of the Welsh language as part of the Sustainability Appraisal. Planning authorities should seek to ensure a broad distribution and phasing of development that takes into account the ability of the area or community to accommodate development without adversely impacting use of the Welsh language.

3.27 Development plans should include a statement on how planning authorities have taken the needs and interests of the Welsh language into account in plan preparation and how any policies relating to the Welsh language interact with other plan policies.

3.28 Considerations relating to the use of the Welsh language may be taken into account by decision makers so far as they are material to applications for planning permission. Policies and decisions must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

3.29 If required, language impact assessments may be carried out in respect of large developments not allocated in a development plan which are proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan.

Sustainable Management of Natural Resources

3.30 The Environment (Wales) Act 2016 introduces the Sustainable Management of Natural Resources[12] (SNMR) and sets out a framework to achieve this as part decision-making. The objective of the SMNR is to maintain and enhance the resilience of ecosystems and the benefits they provide. The Welsh Government is required to prepare,

[11] https://whiasu.publichealthnetwork.cymru/en
[12] https://gov.wales/topics/environmentcountryside/consmanagement/natural-resources-management/natural-resources-policy/?lang=en

publish and implement a statutory Natural Resources Policy setting out its priorities in relation to the SMNR while Natural Resources Wales (NRW) is required to produce a 'State of Natural Resources Report' and prepare 'Area Statements' to inform place based action. The Natural Resources Policy and Area Statements are a key piece of evidence which must be taken into account in development plan preparation.

3.31 Planning Policy Wales translates the principles of SMNR into use for the planning system.

3.32 The planning system is wide in its social, economic environmental and cultural scope and takes an all embracing approach to sustainable development where decisions on short and long term needs and cost and benefits come together. It secures outcomes where multiple benefits (more than one ecosystem benefit) can be provided as part of plan making strategies or individual development proposals. The key features of the SMNR approach to which the planning system can contribute are:

- improving the resilience of ecosystems and ecological networks;
- halting and reversing the loss of biodiversity;
- maintaining and enhancing green infrastructure based on seeking multiple ecosystem benefits and solutions;
- ensuring resilient locational choices for infrastructure and built development, taking into account water supplies, water quality and reducing, wherever possible, air and noise pollution and environmental risks, such as those posed by flood risk, coastal change, land contamination and instability;
- taking actions to move towards a more circular economy in Wales; and
- facilitating the move towards decarbonisation of the economy.

3.33 The health and well-being of people and places and the need to address climate change and its consequences provide added impetus for proactive action through the planning system. Consideration of these principles will affect strategic choices, both locational ones and those aimed at improving the quality of the built and natural environment. The translation of SMNR into the planning system is an integral part of the essential components of sustainable places and through encouraging approaches based on identifying and securing outcomes which deliver multiple ecosystem benefits.

Placemaking in Rural Areas

3.34 The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of local communities and visitors. Fostering adaptability and resilience will be a key aim for rural places in the face of the considerable challenge of maintaining the vibrancy of communities and availability of services as well as contributing to the Cohesive Communities well-being goal. This is coupled with ensuring the countryside is resilient to the impacts of climate change and plays a role in reducing the causes of climate change through the protection of carbon sinks and as a sustainable energy source in line with the Resilient Wales well-being goal.

3.35 For most rural areas the opportunities for reducing car use and increasing walking, cycling and use of public transport are more limited than in urban areas. In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.

3.36 Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities as the preferred locations for most new development including housing and employment provision. The approach should be supported by the service delivery plans of local service providers.

Strategic Placemaking

Spatial Strategy and Site Search Sequence

3.37 An essential component for a sustainable place is where development is to be located. Development plans will provide the basis for this by identifying areas and sites for new development. This will be based not only on the consideration of the needs of existing urban and rural areas but also future relationships between urban settlements and their rural hinterlands, particularly in the light of ensuring strong rural and urban communities, maintaining places which are resilient to the effects of social and economic change and are resilient in the light of the impacts of climate change.

3.38 Development plans must include a spatial strategy covering the lifetime of the plan which establishes a pattern of development improving social, economic, environmental and cultural well-being. A balance should be achieved between

the number of homes provided and expected job opportunities. As well as ensuring all services needed for the expectant levels of growth are provided, an important consideration will be minimising the need to travel, reducing reliance on the private car and increasing walking, cycling and use of public transport. The spatial strategy should be informed by a sustainability appraisal and must form an integral part of an over-arching strategy in the development plan. Planning authorities and developers are encouraged to work together collectively to identify land in the most appropriate locations for development, which takes into account all relevant policies and is deliverable within the plan period.

3.39 In developing their spatial strategy planning authorities must prioritise the use of suitable and sustainable previously developed land and/or underutilised sites for all types of development. When identifying sites in their development plans planning authorities should consider previously developed land and/or underutilised sites located within existing settlements in the first instance with sites on the edge of settlements considered at the next stage. It is recognised, however, that not all sites of this nature are suitable for all types of development.

3.40 Where there is a need for sites, but it has been clearly demonstrated that there is no previously developed land or underutilised sites (within the authority or neighbouring authorities), consideration should then be given to suitable and sustainable greenfield sites within or on the edge of settlements. The identification of sites in the open countryside, including new settlements, must only be considered in exceptional circumstances and subject to the considerations above and paragraph 3.46 below. The search process and identification of development land must be undertaken in a manner that fully complies with the requirements of all relevant national planning policy.

3.41 The evidence to identify suitable areas and sites for development should not be confined by local authority boundaries. It should reflect realities like housing markets, travel to work areas, retail catchments and the nature of activity or development itself. This will ensure that the best use is made of previously developed land and the loss of greenfield sites is minimised. This will be scrutinised at the LDP examination.

3.42 Locational and site choices will also need to be made within the context of an understanding of both economic and market conditions. Consideration should be given to whether specific interventions from the public and/or private sector, such as regeneration strategies or funding, are required to help deliver the strategy and specific development proposals.

3.43 More information is given on locational aspects of identifying suitable sites below, including accessibility considerations, the provision of supporting infrastructure, managing urban form and the quality of agricultural land. Such locational choices will also be underpinned by various detailed elements of policy contained throughout this document and will include the making of resilient locational choices which embed considerations of climate change, biodiversity and ecological resilience, sustainable use of resources and protecting the health, amenity and wellbeing of communities.

3.44 Spatial strategies should be consistent with the Key Planning Principles and contribute towards the National Sustainable Placemaking Outcomes. They should be based on approaches that recognise the mutual dependence between town and country, thus improving the linkages between urban areas and their rural surroundings.

Accessibility

3.45 Spatial strategies should support the objectives of minimising the need to travel, reducing reliance on the private car and increasing walking, cycling and use of public transport. Spatial strategies should be informed by the development of an integrated planning and transport strategy, which takes into account the transport considerations set out in the Active & Social Places chapter 4, as well as the transport infrastructure considerations contained in the Productive & Enterprising Places chapter 5.

3.46 A broad balance between housing, community facilities, services and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Planning authorities should adopt policies to locate major generators of travel demand, such as housing, employment, retailing, leisure and recreation, and community facilities (including libraries, schools, doctor's surgeries and hospitals), within existing urban areas or areas which are, or can be, easily reached by walking or cycling, and are well served by public transport.

3.47 Higher densities should be encouraged in urban centres and near major public transport nodes or interchanges, to generate a critical mass of people to support services such as public transport, local shops and schools.

3.48 Planning authorities should reassess development sites which are highly accessible to non-car modes and allocate them for travel intensive uses such as offices, shopping, leisure, hospitals and housing of sufficient density to fully utilise their accessibility potential. Sites which are unlikely to be well served by walking, cycling and public transport should not be allocated for development.

New Settlements

3.49 Due to their strategic nature new settlements should only be proposed as part of a joint LDP, an SDP or the NDF. This is due to their significance and impacts extending beyond a single local authority.

3.50 New settlements should only be proposed where such development would offer significant environmental, social, cultural and economic advantages over the further expansion or regeneration of existing settlements and the potential delivery of a large number of homes is supported by all the facilities, jobs and services that people need in order to create a Sustainable Place. They need to be self contained and not dormitory towns for overspill from larger urban areas and, before occupation, should be linked to high frequency public transport and include essential social infrastructure including primary and secondary schools, health care provision, retail and employment opportunities. This is necessary to ensure new settlements are not isolated housing estates which require car based travel to access every day facilities.

Previously Developed Land

3.51 Previously developed (also referred to as brownfield) land (see definition overleaf) should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development. This may be, for example, because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health. There may be instances where it may not be possible to develop sensitive uses on previously developed land without placing unnecessary constraints on adjacent existing businesses and activities which require that particular location. In such circumstances the agent of change principle[13] will be a relevant consideration.

3.52 Planning authorities should work with landowners to ensure that suitably located previously developed sites are brought forward for development and to secure a coherent approach to their development. To incentivise the appropriate re-use of previously developed land, planning authorities should take a lead by considering and identifying the specific interventions from the public and/or private sector necessary to assist in its delivery. This will normally support regeneration initiatives and land allocations in development plans and will include the need to raise awareness of risks as part of an effective de-risking strategy. This approach will inform the development of appropriate risk assessments and remediation strategies at the application level intended to safeguard new developments from the health and environmental risks arising from past land uses, such as contamination, old mine workings or former landfill sites.

3.53 Authorities are encouraged to take a de-risking approach[14] to unlocking the development potential of sites. In some instances the authority may need to purchase land in order to facilitate redevelopment. Wherever possible this should be with the agreement of the landowner however, in exceptional circumstances planning authorities may use compulsory purchase powers.

[13] See definition in Chapter 6.
[14] See definition in Chapter 6.

Definition of Previously Developed Land

Previously developed (also known as brownfield) land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included, as are defence buildings and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures.

Excluded from the definition are:

- land and buildings currently in use for agricultural or forestry purposes;
- land which has not been developed previously, for example parks, recreation grounds, golf courses and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings;
- land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings;
- land which is species rich and biodiverse and may qualify as section 7 habitat' or be identified as having nature conservation value; fn Environment Act; and
- previously developed land subsequently put to an amenity use.

Notes:

1. The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site will also be defined as previously-developed. However this does not mean that the whole area of the curtilage should therefore be redeveloped. For example, where the footprint of a building only occupies a proportion of a site of which the remainder is open land (such as a hospital) the whole site should not normally be developed to the boundary of the curtilage. The planning authority should make a judgement about site layout in this context, bearing in mind other planning considerations such as policies for the protection of open space, playing fields or development in the countryside. They should consider such factors as how the site relates to the surrounding area and requirements for on-site open space, buffer strips and landscaped areas.
2. This relates to minerals and waste sites which would otherwise remain unrestored after use because the planning permission allowing them did not include a restoration condition. All other such sites will be restored to greenfield status, by virtue of the planning condition. It should be recognised, however, that non-hazardous landfills may not be able to accommodate built development without significant investment and long-term monitoring.
3. Nature conservation value may be identified through Green Infrastructure assessments (see Chapter 6).

The Best and Most Versatile Agricultural Land

3.54 Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC)[15] is the best and most versatile, and should be conserved as a finite resource for the future.

3.55 When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

[15] https://beta.gov.wales/agricultural-land-classification

Development in the Countryside

3.56 Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Supporting Infrastructure

3.57 Adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working. Infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.

3.58 Planning authorities should, in conjunction with key providers, take a strategic and long term approach towards the provision of infrastructure as part of plan making. This may involve collaboration between planning authorities and key infrastructure providers to ensure infrastructure provision is sustainable, fit for purpose and can be co-ordinated and timed to support placemaking aspirations.

3.59 Development should be located so that it can be well serviced by existing or planned infrastructure. In general this will involve maximising the use of existing infrastructure or considering how the provision of infrastructure can be effectively co-ordinated to support development plans. Infrastructure choices should support decarbonisation, socially and economically connected places and the sustainable use of natural resources.

Managing Settlement Form – Green Belts and Green Wedges

3.60 Around towns and cities there may be a need to protect open land from development. This can be achieved through the identification of Green Belts and/or local designations, such as green wedges. Proposals for both Green Belts and green wedges must be soundly based and should only be employed where there is a demonstrable need to protect the urban form and alternative policy mechanisms, such as settlement boundaries, would not be sufficiently robust. The essential difference between them is that land within a Green Belt should be protected for a longer period than the relevant current development plan period, whereas green wedge policies should be reviewed as part of the development plan review process.

3.61 The main aim of **Green Belts** is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

3.62 Due to their strategic nature Green Belts will have significance beyond a single local authority and they should only be proposed as part of either a Joint LDP, SDP or NDF.

3.63 The purpose of Green Belts is to:

- prevent the coalescence of large towns and cities with other settlements;
- manage urban form through controlled expansion of urban areas;

- assist in safeguarding the countryside from encroachment;
- protect the setting of an urban area; and
- assist in urban regeneration by encouraging the recycling of derelict and other urban land.

3.64 Green wedges are local designations which essentially have the same purpose as Green Belts. They may be used to provide a buffer between the settlement edge and statutory designations and safeguard important views into and out of the area. Green wedges should be proposed and be subject to review as part of the LDP process.

3.65 The general policies controlling development in the countryside apply in a Green Belt and a green wedge but there is, in addition, a general presumption against development which is inappropriate in relation to the purposes of the designation. Green Belts and green wedges can have other beneficial effects including the provision of access to the countryside and sport and recreation opportunities. However, the extent to which the use of land fulfils these objectives is not a material factor in determining whether land should be included within a Green Belt or green wedge.

3.66 Green Belt and green wedge boundaries should be chosen carefully using physical features and boundaries to include only that land which it is necessary to keep open in the longer term. The boundaries of Green Belts should be altered only in exceptional circumstances and with regard to their intended long-term permanence. The spatial form of Green Belts should be appropriate to the location and will not necessarily need to extend in a continuous band around an urban area.

3.67 To maintain openness, development within a Green Belt and green wedge must be strictly controlled. When including Green Belt and green wedge policies in their plans, planning authorities must demonstrate why normal planning and development management policies would not provide the necessary protection.

3.68 When considering Green Belt designations a sufficient range of development land which is suitably located in relation to the existing urban edge should be made available, having regard to the longer term need for development land, the effects of development pressures in areas beyond the Green Belt and the need to minimise demand for travel. This may require land to be safeguarded, and boundaries of proposed Green Belts must be carefully defined to achieve this.

3.69 When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Substantial weight should be attached to any harmful impact which a development would have on the purposes of Green Belt or green wedge designation. Policies should be devised to outline the circumstances when development would be permitted in these areas where the openness of the Green Belt or green wedge will still be maintained.

3.70 Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.

3.71 The construction of new buildings in a Green Belt or green wedge is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings; or
- small scale diversification within farm complexes where this is run as part of the farm business.

3.72 The re-use of buildings in a Green Belt or green wedge is not inappropriate development provided that:

- the original building is substantial, permanent and capable of conversion without major reconstruction;
- the new use will not have a greater impact on the openness of the Green Belt or green wedge and the purposes of including land within it. Strict control will need to be exercised over the extension, alteration or any associated use of land for re-used buildings; and
- the building is in keeping with its surroundings.

3.73 Certain other forms of development may be appropriate in the Green Belt or green wedge provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- mineral extraction;
- renewable and low carbon energy generation;
- engineering operations; and
- local transport infrastructure.

3.74 Other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of the designation.

4 Active and Social Places

Active and Social Placemaking and Well-being

The Active and Social theme covers the well-connected cohesive communities components of placemaking. These components are complementary to those of the Productive and Enterprising and Distinctive and Natural themes and collectively the three themes come together to contribute towards the national sustainable placemaking outcomes. The diagram below illustrates how these outcomes work together as a whole, with Active and Social outcomes emphasised.

Active and Social Places are those which promote our social, economic, environmental and cultural well-being by providing wel-connected cohesive communities. Places which are active and social contribute to the seven goals of the Well-being of Future Generations Act in the following ways.

A **Prosperous Wales** can be promoted through the development of modern and connected infrastructure to allow everybody to have a good quality of life by living in strong and safe communities, with access to decent jobs. The location and design of new developments, especially housing, will have a significant role in influencing how and where people live. For example, having good quality affordable homes is the foundation of living well which brings a wide range of benefits to health, learning and prosperity.

A **Resilient Wales** is supported by protecting existing communities and natural environments while promoting well connected infrastructure and facilities closer to where people live. Good housing, access to services, green spaces and community facilities help to create the right conditions for better health and well-being.

A **Healthier Wales** can be achieved through the reduction in emissions and air pollution by minimising the need to travel and maximising provision of sustainable forms of transport. It can also be achieved through improving access to services, cultural opportunities, green spaces and recreation facilities to support people adopt healthy lifestyles. Together they contribute to creating the right conditions for better health, well-being and greater physical activity.

A more **Equal Wales** can be achieved by recognising the strengths of existing communities and securing socially inclusive development so they become desirable places in which to live and work for all members of society.

To foster **Cohesive Communities** development will need to be well connected, with the emphasis on the promotion of accessible mixed use development, comprising appropriate combinations of housing, employment, retailing, community, cultural and recreation opportunities.

A **Vibrant Culture and thriving Welsh Language** is supported by establishing the conditions to allow sustainable communities to thrive. Culture and the Welsh language make a distinctive contribution to the vitality of communities.

Globally Responsible Wales is promoted by locating and designing developments which reduce trip lengths for everyday journeys and supports sustainable modes of travel which in turn will reduce our carbon footprint. For example, by locating new housing developments within existing settlements enables people to take advantage of the shorter trip lengths to places of employment, retailing and other community services by walking, cycling or public transport.

Development proposals should look to the **long term** and consider how they can be flexible to adapt to future issues and needs.

New development should **prevent** problems from occurring or getting worse such as the shortage of affordable homes, the reliance on the private car and the generation of carbon emissions.

Development should be **integrated** to ensure that issues are considered holistically and multiple benefits identified, such as well planned green infrastructure and recreation space.

Planning Authorities should work in **collaboration** to plan our communities to deliver the best planning outcomes.

When planning our communities planning policies and proposals need to be developed by involving other agencies and communities to ensure local issues and needs are recognised to foster wider acceptance.

Active and Social Trends and Issues

The future trends and issues of relevance to the Active and Social theme will need to be addressed, both individually and in an integrated way by embracing the placemaking outcomes. Many trends will be beneficial and should be supported by the planning system. Negative trends or cycles must be challenged and more sustainable behaviours and outcomes sought. Change must be fostered in the way all those involved in the planning process respond, both at the strategic level and when drawing up and designing individual proposals.

The key issues in this theme include:

- ensuring there is sufficient housing land available to meet the need for new private market and affordable housing;
- facilitating a range and choice of housing to respond to the change in household need, such as the predicted increase in single person households over the next 20 years;
- assisting in the delivery of cohesive communities which will meet the needs and are accessible to all members of society, including older people;
- tackling inequalities between communities, delivering services and jobs closer to where people live and acknowledging the importance of inclusive communities and the wider environment for good health and well-being;

- improve sustainable access to services, cultural opportunities and recreation facilities to support people to adopt healthy, culturally fulfilled lifestyles which will assist in improving health and wellbeing;
- reducing reliance on travel by private car, and the adverse impacts of motorised transport on the environment and people's health, by prioritising and increasing active travel and public transport;
- ensure our transportation infrastructure is adaptable to future advances in innovation such as the mainstreaming of electric vehicles or possible advent of autonomous or driverless vehicles in the next ten to 15 years; and
- diversifying retail and commercial centres so they can adapt to future retail trends, such as the continued rise in internet shopping, so that they can continue to meet the needs of their local communities.

Active and Social Linkages

The policy topics of the Active and Social Places theme can work together to actively create sustainable and cohesive communities through development plan policies, including specific allocations, and development management decision making. In particular policies will:

- enable sustainable access to housing, employment, shopping, education, health, community, leisure and sports facilities and green infrastructure, maximising opportunities for community development and social welfare;
- ensure that all communities have access to a range of well-located and designed energy efficient market and affordable homes to meet their needs;
- develop sustainable transportation infrastructure to keep Wales moving and connect people with jobs, housing and leisure. Ensure that the chosen locations and resulting design of new developments reduces reliance on the private car for daily travel, supports sustainable modes of travel and assists in improving the environment, public health and community life;
- require developments to encourage modal shift and be easily accessible by walking, cycling and public transport, by virtue of their location, design and provision of on and off site sustainable transport infrastructure;
- realise the potential of new sustainable transportation infrastructure to create new or renewed hubs of activity to support sustainable communities which capitalise on their location and the opportunities these present;
- capitalise on our existing retail and commercial centres as hubs of social and economic activity and the focal point for a diverse range of other services supporting the needs of local communities and their wider catchments; and
- promote and protect culture and the Welsh language and encourage and improve social well-being and health by offering opportunities for social interaction, cultural experiences and physical activity.

Introduction

4.0.1 The Active and Social theme of planning policy topics covers transport, housing, retail and commercial development, community facilities and recreational spaces.

4.0.2 This theme supports and enables the provision of a range of well-designed and located homes which are well connected to existing retail and commercial centres situated at the heart of our communities and job opportunities. It emphasises that when planning and managing future development planning authorities need to ensure that residents of existing and new communities have access to jobs and an appropriate range of community facilities including recreation, leisure, health and education. It promotes retail and commercial centres as hubs, for a range of activities, recognising their social, cultural and economic importance. It acknowledges the significance of community facilities and recreational spaces for our health, well-being and quality of life and specifically protects and promotes these uses in line with the overarching national sustainable placemaking outcomes.

4.0.3 This theme aims to ensure new development is located and designed in a way which minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, local services and community facilities. This will be achieved through integrating development with sustainable transport infrastructure and designing schemes in a way which maximises provision and use of sustainable forms of travel, including prioritising these modes over the private car.

Moving within and between places

4.1 Transport[16 17]

4.1.1 The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution by:

- **Enabling More Sustainable Travel Choices** – measures to increase walking, cycling and public transport, reduce dependency on the car for daily travel;
- **Network Management** – measures to make best use of the available capacity, supported by targeted new infrastructure; and
- **Demand Management** – the application of strategies and policies to reduce travel demand, specifically that of single-occupancy private vehicles.

4.1.2 The Wales Transport Strategy[18] provides the strategic policy framework for transport related activities in Wales up to 2030. Covering all modes, it sets out the Welsh Government's strategic priorities and desired outcomes, providing a link to the wider priorities as well as plans at the local authority level.

4.1.3 There are two tiers of transport plans in Wales – the National Transport Finance Plan[19] and Local Transport Plans (LTPs). The National Transport Finance Plan sets out in more detail how the Welsh Government propose to deliver the outcomes set out in the Wales Transport

[16] Technical Advice Note 18: Transport https://gov.wales/topics/planning/policy/tans/tan18/?lang=en
[17] See also Transportation Infrastructure in the Productive and Enterprising Places Chapter
[18] https://beta.gov.wales/transport-strategy
[19] https://beta.gov.wales/national-transport-finance-plan-2017-update

Strategy. The LTPs set out policies for the promotion and encouragement of safe and efficient transport and the implementation of the Wales Transport Strategy in their area. The transport planning framework requires an integrated approach between national, regional and local priorities.

4.1.4 Land use and transport planning must be integrated. The planning system must ensure it enables integration:

- within and between different types of transport;
- between transport measures and land use planning;
- between transport measures and policies to protect and improve the environment; and
- between transport measures and policies for education, health, social inclusion and wealth creation.

Integrated Planning and Transport Strategies

4.1.5 Development plans provide the main means for achieving integration between land use and transport planning. They must provide an explanation of the authority's transport aims, the way in which the transport policies support the other objectives of the plan, and how the development plan (including its land allocations and policies) will support sustainable transport.

4.1.6 Planning authorities must set out in their development plan an integrated planning and transport strategy. This should set out how the planning authority will:

- integrate and co-ordinate sustainable transport and land use planning;
- facilitate and promote accessibility for all;
- reduce the need to travel;
- reduce dependency on private vehicles;
- prioritise and support walking, cycling and use of public transport;
- support the uptake of Ultra Low Emission Vehicles;
- reduce transport related airborne pollution; and
- facilitate the provision of transport infrastructure and necessary sustainable transport improvements and development.

4.1.7 The integrated planning and transport strategy must inform the spatial strategy and overarching strategy of the development plan. Development plan strategies and policies need to be consistent and integrated with the strategies and policies contained in LTPs, the Wales Transport Strategy and National Transport Finance Plan. Development plans should also take into account other plans and reports with transport implications. Where significant travel patterns cross local authority boundaries, development plan strategies and LTPs must be co-ordinated and regional working encouraged.

Sustainable Transport

4.1.8 The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, improving the health of the nation and realising the goals of the Well-being of Future Generations Act.

4.1.9 The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

4.1.10 Development proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.

4.1.11 It is Welsh Government policy to require the use of a sustainable transport hierarchy in relation to new development, which prioritises walking, cycling and public transport ahead of the private motor vehicles. The transport hierarchy recognises that Ultra Low Emission Vehicles also have an important role to play in the decarbonisation of transport, particularly in rural areas with limited public transport services.

Figure 8: The Sustainable Transport Hierarchy for Planning

4.1.12 The sustainable transport hierarchy should be used to reduce the need to travel, prevent car-dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport.

4.1.13 The sustainable transport hierarchy must be a key principle in the preparation of development plans, including site allocations, and when considering and determining planning applications.

4.1.14 Careful consideration needs to be given to the allocation of new sites, which are likely to generate significant levels of movement in development plans, to ensure that access provisions which promote walking and cycling, as well as by public transport, are included from the outset and that any implications associated with airborne pollution can be addressed.

4.1.15 It is recognised that there will be other transport considerations, such as provision for service vehicles in the design of schemes, and further measures to support sustainable transport, such as the decarbonisation of public transport and multi-modal travel.

4.1.16 Different approaches to sustainable transport will be required in different parts of Wales, particularly in rural areas, and new development will need to reflect local circumstances. For example, a planning authority wishing to grow a rural village, despite it having limited public transport accessibility, could apply the transport hierarchy by: first considering how the location and design of new development could encourage walking and cycling to shops and services in the village centre; then consider whether new development could be located near a bus stop or enable improvements to the bus service; before finally considering the needs of private motor vehicles, including measures to encourage the use of Ultra Low Emission Vehicles.

4.1.17 Design and Access Statements should show how the design of the scheme has responded to the sustainable transport hierarchy.

Active and Social Streets

4.1.18 Well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy, and children can play.

4.1.19 The design and layout of streets must give a high priority to their role as public spaces and meeting the needs of pedestrians, cyclists and public transport users, reflecting the principles of the sustainable transport hierarchy. To create streets that are social places, the public realm needs to be safe and attractive and the street designed for low speeds.

4.1.20 Well integrated green infrastructure, such as SUDS, street trees and verges, not only create a pleasant environment but can also achieve a range of other benefits, including pollutant filtering, urban cooling, water management and habitat creation. Such features should be included as part of a well-designed street layout.

4.1.21 The Welsh Government policy, Manual for Streets and its companion guide Manual for Streets 2[20], requires that street design should not follow the conventional engineering-led approach. The design of new or enhanced streets should respond to urban design principles, including those in Manual for Streets and the Active Travel Design Guidance[21], and not adhere to ridged standards. Design Bulletin 32: Residential Roads and Footpaths has been superseded by Manual for Streets.

4.1.22 Planning authorities must ensure the design of streets contributes to the creation of high-quality places, which will require a multi-disciplinary approach, and should challenge development proposals with standardised, prescriptive, engineering-focussed, risk-adverse street designs.

4.1.23 In residential areas, Home Zones are a way in which streets can be designed to slow vehicular traffic speeds down and give priority to people over motorised uses. Local authorities should consider using powers available under the Transport Act 2000 to designate Home Zones.

4.1.24 Design and Access Statements should demonstrate how the design of new or enhanced streets has responded to urban design principles, including the guidance in Manual for Streets and the Active Travel Design Guidance.

Active Travel

4.1.25 Walking and cycling are good for our health and well-being. They support valuable social and recreational opportunities and are integral to

[20] Manual for Streets https://gov.wales/topics/planning/policy/guidanceandleaflets/manualforstreets/?lang=en
[21] Design Guidance: Active Travel (Wales) Act 2013 https://beta.gov.wales/active-travel-design-guidance

placemaking, creating life and activity in public places and providing the opportunity to meet people. Sustainable places invite people to walk and cycle as part of their everyday routine.

4.1.26 The Active Travel (Wales) Act 2013[22] makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or education establishment, or in order to access health, leisure or other services or facilities. The Active Travel Act requires local authorities to produce Integrated Network Maps, identifying the walking and cycling routes required to create fully integrated networks for walking and cycling to access work, education, services and facilities.

4.1.27 The Active Travel Act is complemented by statutory Design Guidance[23]. The guidance sets out the standards expected of new and improved active travel infrastructure in Wales, including related facilities, and the considerations to be taken into account when choosing the design solutions for particular routes and sites. It also sets out effective approaches to planning walking and cycling networks and includes audit tools to assess existing infrastructure and future routes for their suitability.

4.1.28 The planning system has an important role to play in promoting and supporting the delivery of the Active Travel Act and creating the right environments and infrastructure to make it easier for people to walk and cycle, including new and improved routes and related facilities.

4.1.29 New development places additional demand on transport infrastructure and networks, with the location, layout and design of development affecting the distance and way in which people travel. Developing local active travel networks can help to mitigate the impact of new development, by providing an alternative mode of travel to the private car, particularly for shorter journeys. Provision for active travel must be an essential component of development schemes and planning authorities must ensure new developments are designed and integrated with existing settlements and networks, in a way which makes active travel a practical, safe and attractive choice.

4.1.30 Planning authorities must support active travel by ensuring new development is fully accessible by walking and cycling. The aim should be to create walkable neighbourhoods, where a range of facilities are within walking distance of most residents, and the streets are safe, comfortable and enjoyable to walk and cycle.

4.1.31 Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling. The design of development proposals should, in accordance with the sustainable transport hierarchy, start with identifying the shortest, most attractive walking and cycling connections and then addressing the other transport needs. Further guidance on this is contained within Manual for Streets and the Active Travel Design Guidance.

4.1.32 Development plans must identify and safeguard active travel routes and networks, including those identified in the Integrated Network Maps required by the Active Travel Act, and support their delivery. As part of the selection of future development sites, priority should be given to sites which can be readily connected to existing active travel routes or future networks. New development should be integrated with active travel networks and contribute to their expansion and improvement, through the inclusion of well-designed routes and facilities as part of the schemes and financial contributions to pay for off-site

[22] Active Travel (Wales) Act 2013 http://www.legislation.gov.uk/anaw/2013/7/contents
[23] Design Guidance: Active Travel (Wales) Act 2013 https://beta.gov.wales/active-travel-design-guidance

connections. Planning authorities should also seek to assist in the completion of the national cycle network and key links to and from the network. These measures should, where appropriate, be aligned with approaches to secure green infrastructure. Planning authorities should seek opportunities to increase habitat connectivity, mitigate habitat fragmentation, and secure wider green infrastructure benefits along transport networks. These measures should be considered as part of the Green Infrastructure Assessment.

4.1.33 In determining planning applications, planning authorities must ensure development proposals, through their design and supporting infrastructure, prioritise provision for access and movement by walking and cycling and, in doing so, maximise their contribution to the objectives of the Active Travel Act.

4.1.34 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations, consideration must also be given to where people will leave their bike at home. Guidance on cycle parking is contained within the Active Travel Design Guidance. Planning authorities may alternatively wish to adopt locally specific minimum cycle parking standards and guidance.

Public Transport

4.1.35 The availability of public transport is an important part of ensuring a place is sustainable. It enables people to undertake medium and long journeys without being dependent on having access to a car. The planning system should facilitate this by locating development where there is, or can be, good access by public transport. The design, layout, density and mix of uses of a place are also fundamental to sustaining public transport services, and encouraging and enabling people to use them.

4.1.36 Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services, reallocating their use if necessary. In rural areas, planning authorities should designate local service centres, or clusters of settlements where a sustainable functional linkage can be demonstrated, as the preferred locations for new development.

4.1.37 Planning authorities must ensure the layout, density and mix of uses of new development support the use of public transport and maximises accessibility potential. In particular, higher densities and mixed-use development should be encouraged in areas highly accessible by public transport. In these circumstances, the implications of airborne pollution will need careful consideration including the need to meet decarbonisation targets.

4.1.38 Planning authorities should consider whether public transport services are of a scale which makes public transport an attractive and practical travel option for occupiers and users travelling to and from development sites. They should also consider whether it is necessary to mitigate the movement impact of a development and minimise the proportion of car trips that the development would generate. Where additional public transport would be required to allow development to proceed, an appropriate policy must be included in the development plan, and financial contributions secured through planning conditions and/or planning obligations.

Ultra Low Emission Vehicles

4.1.39 To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development.

Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points. Planning authorities should ensure the level, location and type of charging provision is appropriate to the scheme and local circumstances. Consideration should be given to:

- the time users are likely to be present at the site;
- the number of vehicles accessing the site;
- the number of existing charging points in the immediate and wider area; and
- other proposed emission mitigation measures.

4.1.40 It may be appropriate for some of the provision to be 'passive', with the necessary underlying infrastructure provided to enable installation and activation in the future.

4.1.41 Planning authorities should take a strategic approach to ULEV charging in their area and, where appropriate, develop policies in their development plan and specify local requirements.

4.1.42 The provision of ULEV charging points should be planned as part of the overall design of a development. Charging points must not cause an obstruction to walking or cycling, should be resistant to vandalism, and located where there is good lighting and natural surveillance.

Traffic Management

4.1.43 The Road Traffic Reduction Act 1997[24] requires local authorities to produce a report setting out an assessment of the traffic on the roads for which it is the local highway authority and a forecast of expected changes in traffic levels. The report should also contain targets for reducing levels of local road traffic or the rate of growth of those levels.

4.1.44 Planning authorities must seek to reduce the level and speed of traffic in new development. This should, in the first instance, be achieved through good street design, such as through the layout of buildings and spaces, before considering more traditional traffic calming measures.

4.1.45 Manual for Streets and the Active Travel Design Guidance provide advice on reducing the speed and volume of motor vehicles. This includes creating connected and permeable road networks, with filtered permeability to prioritise walking and cycling, and careful consideration of issues such as street layout and dimensions, and the design and location of footways (including use of continuous footways at side streets), crossings, parking, trees, planters and surface materials.

4.1.46 Local authorities must adopt an integrated approach to traffic management. They should consider how different measures can complement one another and contribute to the achievement of wider planning and transport objectives, implementing the Active Travel Act and reducing exposure to air and noise pollution, taking into account the needs of the disabled and less mobile sections of the community.

4.1.47 The development plan must include appropriate traffic management policies. These policies should be consistent with the approach adopted to fulfil local road traffic reduction targets and any national targets set by the Welsh Ministers under the Road Traffic Reduction (National Targets) Act 1998[25].

4.1.48 In established urban and rural neighbourhoods, traffic management measures should be adopted to improve the street environment and promote road safety, whilst, in areas of new development, traffic calming measures should be incorporated from the outset. Traffic management measures should be sympathetic to the character of the area, whilst achieving reduced traffic speed, and environmental and safety improvements.

4.1.49 Design and Access Statements should demonstrate how the design and layout of the development will reduce the level and speed of traffic to appropriate levels, and responds to the guidance in Manual for Streets and the Active Travel Design Guidance.

Car Parking

4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

[24] Road Traffic Reduction Act 1997 http://www.legislation.gov.uk/ukpga/1997/54/contents
[25] Road Traffic Reduction (National Targets) Act 1998 http://www.legislation.gov.uk/ukpga/1998/24/contents

4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

4.1.53 Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan. Local authorities should consider parking issues on a joint basis with neighbouring authorities. They should jointly establish maximum levels of parking for broad classes of development, together with a threshold size of development above which such levels will apply. These maximum standards should be set in collaboration with interested organisations. Local authorities will need to ensure that their parking standards reflect local transport provision, are adopted by individual authorities as supplementary planning guidance, and are kept under review. Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

4.1.54 Private non-residential parking can be a significant component of parking provision in town centres. Authorities should, where appropriate, seek to encourage appropriate redevelopment or re-use of existing private parking sites to bring the provision down, and should refuse planning permission for public and private car parks which do not meet the strategic aims of the development plan and LTP.

4.1.55 As part of the overall approach to parking, local authorities should use charging policies for on-street parking and off-street parking, where it is under their control, to complement their land use policies and encourage the use of ULEVs.

Transport Assessments

4.1.56 Transport Assessments are an important mechanism for setting out the scale of anticipated impacts a proposed development, or redevelopment, is likely to have. They assist in helping to anticipate the impacts of development so that they can be understood and catered for appropriately.

4.1.57 Planning applications for developments, including changes of use, falling into the categories identified in TAN 18: Transport[26] must be accompanied by a Transport Assessment. In addition, in areas where the transport network is particularly sensitive, planning authorities should consider requiring Transport Assessments for developments which fall outside of the thresholds set out in TAN 18. Transport Assessments can be required for any proposed development if the planning authority considers that there is a justification or specific need. Transport Assessments provide the basis for negotiation on scheme details, including the level of parking, and measures to improve walking, cycling, and public transport access, as well as measures to limit or reduce levels of air and noise pollution. They should cover the transport impacts during the construction phase of the development, as well as when built and in use. Transport Assessments also provide an important basis for the preparation of Travel Plans. Further guidance on Transport Assessments and Travel Plans is contained in TAN 18.

Living in a place

4.2 Housing

4.2.1 Planning authorities must understand all aspects of the housing market in their areas, which will include the requirement, supply and delivery of housing. This will allow planning authorities to develop evidence-based

[26] Technical Advice Note 18: Transport https://gov.wales/topics/planning/policy/tans/tan18/?lang=en

market and affordable housing policies in their development plans and make informed development management decisions that focus on the creation and enhancement of Sustainable Places. New housing development in both urban and rural areas should incorporate a mix of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities.

4.2.2 The planning system must:

- identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures;
- enable provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places; and
- focus on the delivery of the identified housing requirement and the related land supply.

Housing Requirement

4.2.3 As part of the development plan process planning authorities need to understand their local housing market and the factors influencing housing requirements in their area over the plan period. In preparing and co-ordinating development plans and local housing strategies a collaborative approach should be adopted, involving housing and planning representatives in the public and private sectors and communities.

4.2.4 Where housing market areas cross local authority boundaries, authorities must consider potential implications with neighbouring authorities and work collaboratively when formulating their housing requirements and identifying sites for housing. Effective monitoring of these issues is essential to ensure that there is an adequate and continuing supply of deliverable housing land to meet the identified requirement throughout the plan period. The housing requirement that has been identified by the planning authority must be realistic and deliverable.

4.2.5 Planning authorities must clearly set out the housing requirement in their development plan. These requirements must be based on evidence and clearly express the number of market and affordable homes the planning authority considers will be required in their area over the plan period. Planning authorities should plan for a mix of market and affordable housing types to meet the requirement and specifically consider the differing needs of their communities; this should include the housing requirements of older people and people with disabilities.

4.2.6 The latest Welsh Government local authority level Household Projections for Wales, alongside the latest Local Housing Market Assessment (LHMA) and the Well-being plan for a plan area, will form a fundamental part of the evidence base for development plans. These should be considered together with other key evidence in relation to issues such as what the plan is seeking to achieve, links between homes and jobs, the need for affordable housing, Welsh language considerations and the deliverability of the plan, in order to identify an appropriate strategy for the delivery of housing in the plan area. Appropriate consideration must also be given to the wider social, economic, environmental and cultural factors in a plan area in order to ensure the creation of sustainable places and cohesive communities.

4.2.7 Household projections provide estimates of the future numbers of households and are based on population projections and assumptions about household composition and characteristics. Certain elements of the projections, such as births and deaths, will remain relatively constant throughout the plan period. However other elements, such as migration and household formation rates, have the ability to influence

outcomes significantly. Planning authorities need to assess whether the various elements of the projections are appropriate for their area, and if not, undertake modelling, based on robust evidence, to identify alternative options.

4.2.8 The relevant planning and housing authorities should work in partnership with local stakeholders, including private house builders, to produce LHMAs[27]. These assessments allow authorities to develop a detailed understanding of the nature and level of market and affordable housing demand and need in their communities.

4.2.9 Planning authorities, in partnership with the community, including the private sector, must develop policies to meet the challenges and particular circumstances evident in their areas. If these policies need to diverge from national policies in order to meet specific local housing needs for market housing, which normally would have no occupancy restriction, planning authorities must provide clear and robust evidence to support the approach taken. The justification might be in terms of, for example, land supply, environmental or social impacts either individually or in combination. Evidence could be obtained from local studies such as those deriving from the local well-being plans or from studies forming part of the evidence base for the development plan. The sustainability appraisal, including the Strategic Environmental Assessment (SEA), would be part of the evidence base providing justification for a departure from national policy.

Housing Delivery

4.2.10 The supply of land to meet the housing requirement proposed in a development plan must be deliverable. To achieve this, development plans must include a supply of land which delivers the identified housing requirement figure and makes a locally appropriate additional flexibility allowance for sites not coming forward during the plan period. The ability to deliver requirements must be demonstrated through a housing trajectory. The trajectory should be prepared as part of the development plan process and will illustrate the expected rate of housing delivery for both market and affordable housing for the plan period.

4.2.11 Planning authorities should also identify where interventions may be required to deliver the housing supply, including for specific sites. There must be sufficient sites suitable for the full range of housing types to address the identified needs of communities, including the needs of older people and people with disabilities. In this respect, planning authorities should promote sustainable residential mixed tenure communities with 'barrier free' housing, for example built to Lifetime Homes[28] standards to enable people to live independently and safely in their own homes for longer.

4.2.12 As part of considering housing delivery options, planning authorities should understand the contribution that all sectors of the housing market and house-builders could make to meeting their housing requirement. When allocating sites, planning authorities need to consider providing a range of sustainable and deliverable sites to allow all sectors and types of house-builder, including nationals, regionals, registered social landlords (RSLs), Small and Medium-sized Enterprises (SMEs) and the custom and self-build sector, the opportunity to contribute to delivering the proposed housing requirement.

4.2.13 To assist in broadening the housing delivery options and enable the

[27] Local Housing Market Assessment Guide, Welsh Assembly Government 2006 https://gov.wales/topics/housing-and-regeneration/publications/marketassessguide/?lang=en and Getting started with your Local Housing Market Assessment – A step-by-step guide, Welsh Government 2014 https://gov.wales/topics/housing-and-regeneration/publications/starthouseassessguide/?lang=en

[28] The 'Lifetime Homes' concept promoted by the Joseph Rowntree Foundation comprises 16 major standards that aim to provide homes which are flexible and can cater for people with a wide range of disabilities.

provision of housing by RSLs, SMEs and the custom and self-build sector, planning authorities should set a locally determined target for the delivery of housing on small sites. To facilitate this, planning authorities should maintain a register of suitable sites which fall below the threshold for allocation in their development plan. Planning authorities should also work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

4.2.14 When promoting self-build and custom build development, planning authorities must consider all relevant policy options including the use of Local Development Orders (LDOs)[29] and site specific design codes[30] to simplify the planning process and enable housing development to be brought forward more quickly.

4.2.15 Planning authorities must ensure that sufficient land is genuinely available or will become available to provide a five-year supply of land for housing judged against the general objectives, scale and location of development required in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints and be economically viable, in order to support the creation of sustainable communities. For land to be regarded as genuinely available it must be a site included in either a Joint Housing Land Availability Study (JHLAS)[31] or, until a JHLAS is required to inform the first Annual Monitoring Report (AMR), in the housing trajectory agreed as part of an adopted development plan. The housing trajectory demonstrates how the planning authority will maintain a five-year supply of housing land over the plan period.

4.2.16 Planning authorities, land owners and house builders must work together constructively to identify deliverable housing land in sustainable locations for development. When identifying sites to be allocated for housing in development plans, planning authorities must follow the search sequence set out in paragraphs 3.39-3.41, starting with the re-use of previously developed and/or underutilised land within settlements, then land on the edge of settlements and then greenfield land within or on the edge of settlements. This process should be undertaken for housing market areas and will require collaboration between planning authorities where these areas cover more than one authority. The aim should be to make the best possible use of previously developed land in preference to greenfield sites across the market area as a whole.

4.2.17 Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites. For example, sites and allocations which are no longer likely to be needed for office, industrial or retail purposes may be appropriate locations for housing. The de-allocation of under-used and underperforming sites must be considered through the development plan process and could make a contribution to the housing supply if it can be demonstrated that they are deliverable for housing. Policies which seek to make maximum use of previously developed land for housing will need to distinguish between sites which need to be retained for recreation, amenity or nature conservation purposes, and areas which are genuinely suitable for housing development.

[29] 'Guidance on using a local development order', Welsh Government Circular 003/12 https://beta.gov.wales/local-development-orders-guidance-local-planning-authorities-circular-0032012

[30] 'Design Quality in Local Development Orders', Design Commission for Wales 2014 https://dcfw.org/design-quality-in-local-development-orders/

[31] Technical Advice Note (TAN) 1, 'Joint Housing Land Availability Studies', Welsh Government 2015 https://gov.wales/topics/planning/policy/tans/tan1/?lang=en

4.2.18 Housing led regeneration sites can sometimes be difficult to deliver, making timescales for development hard to specify. Where deliverability is considered to be an issue, planning authorities should consider excluding such sites from their housing supply so that achieving their development plan housing requirement is not dependent on their delivery. This approach requires planning authorities to put in place a strategy to support the delivery of these sites. The criteria for identifying housing led regeneration sites can include demonstrating the sites have high credentials in terms of sustainable development and placemaking, such as being aligned to transport hubs or addressing contamination or industrial legacy; proven need and demand for housing in that area; and that the proposed intervention is the best means of addressing a site's contamination and constraints.

4.2.19 As part of demonstrating the deliverability of housing sites, financial viability must be assessed prior to their inclusion as allocations in a development plan. At the 'Candidate Site' stage of development plan preparation land owners/developers must carry out an initial site viability assessment and provide evidence to demonstrate the financial deliverability of their sites. At the 'Deposit' stage, there must be a high level plan-wide viability appraisal undertaken to give certainty that the development plan and its policies can be delivered in principle, taking into account affordable housing targets, infrastructure and other policy requirements. In addition, for sites which are key to the delivery of the plan's strategy a site specific viability appraisal must be undertaken through the consideration of more detailed costs, constraints and specific requirements. Planning authorities must consider how they will define a 'key site' at an early stage in the plan-making process. Planning authorities must also consider whether specific interventions from the public and/or private sector, such as regeneration strategies or funding, will be required to help deliver the housing supply.

4.2.20 Where new housing is to be proposed, development plans must include policies to make clear that developers will be expected to provide community benefits[32] which are reasonably related in scale and location to the development. In doing so, such policies should also take account of the economic viability of sites and ensure that the provision of community benefits would not be unrealistic or unreasonably impact on a site's delivery.

4.2.21 Where up-to-date development plan policies have set out the community benefits expected from development, planning applications which comply with them should be assumed to be viable and it should not be necessary for viability issues to be considered further. It is for either the applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the development plan and the viability evidence underpinning it are up-to-date, and any change in circumstances since the plan was adopted. Such circumstances could include, for example, where further information on infrastructure or site costs is required or where a recession or similar significant economic changes have occurred since the plan was adopted. Where negotiation is

[32] 'Planning Obligations', Welsh Office Circular 13/97 https://gov.wales/topics/planning/policy/circulars/welshofficecirculars/circular1397/?lang=en and 'The Use of Planning Conditions for Development Management', Welsh Government Circular 016/14 https://gov.wales/topics/planning/policy/circulars/welshgovcirculars/wgc-16-2014/?lang=en

necessary, the planning authority and developer should operate in an open and transparent manner with all information provided on an 'open book' basis.

4.2.22 Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.

4.2.23 Development plans must include clear policy criteria against which applications for housing development on unallocated sites will be considered. Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.

4.2.24 In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.

Affordable Housing

4.2.25 A community's need for affordable housing[33] is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

4.2.26 Affordable housing includes social rented housing owned by local authorities and RSLs and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents. All other types of housing are referred to as 'market housing', that is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local authority. It is recognised that some schemes may provide for staircasing to full ownership and where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing.

4.2.27 It is important that authorities have an appreciation of the demand for different types of affordable housing (i.e. intermediate and social rented) in relation to supply, so that they are well informed in negotiating the required appropriate mix of dwellings for new developments. To support policies and decisions on planning applications, planning authorities should refer to their LHMA to help determine the need for affordable housing.

4.2.28 Development plans must include an authority-wide target for affordable housing (expressed as numbers of homes). The authority-wide target for affordable housing should be based on the LHMA and identify the expected contributions that the policy approaches identified in the development plan (for example, site thresholds, site specific targets, commuted sums and affordable housing exception sites) will make to meeting this target. The target should take account of deliverability and viability which will be influenced by the anticipated levels of finance available for affordable housing, including public

[33] Technical Advice Note (TAN) 2, 'Planning and Affordable Housing', Welsh Assembly Government 2006 https://gov.wales/topics/planning/policy/tans/tan2/?lang=en

subsidy, and other community benefit contributions being sought by the planning authority.

4.2.29 Where development plan policies make clear that an element of affordable housing or other developer contributions are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the planning authority considers that the proposal does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application. Development plan policies should also state what the authority would regard as affordable housing and the arrangements it would expect for ensuring that such housing remains reserved for those who need it in perpetuity.

4.2.30 Development plans should include either site thresholds or a combination of thresholds and site-specific targets for affordable housing. Planning authorities should set site capacity thresholds for residential developments above which a proportion of affordable housing will be sought from developers. This applies both to sites specifically allocated in the development plan and to unallocated (windfall) sites and will normally take the form of on-site affordable housing contributions. In principle all new market housing sites, irrespective of site size, may contribute to meeting the need for affordable housing.

4.2.31 Site specific targets are indicative affordable housing targets which should be established for each residential site and for each mixed-use site which includes a residential component. For sites which fall below the site threshold planning authorities may secure commuted sums using a Section 106 agreement. Commuted sums should be used by the planning authority solely for facilitating or providing affordable housing. When setting the affordable housing thresholds and/or site-specific targets planning authorities must consider their impact on site viability to ensure residential sites remain deliverable.

4.2.32 Planning authorities may also identify sites for up to 100% affordable housing based on criteria reflecting local circumstances which are set out in the development plan and relate to the creation of sustainable communities. Such sites are likely to be small in scale and number in relation to the total number of sites available in a planning authority area.

4.2.33 Planning applications for residential sites that comply with up-to-date development plan policies for the inclusion of an element of affordable housing should be assumed to be viable (see paragraph 4.2.21 above). Where a change in circumstances requires negotiation to take place, the planning authority and developer should operate in an open and transparent manner with all information provided on an “open book” basis.

4.2.34 The provision of affordable housing exception sites must be considered to help meet identified requirements and ensure the viability of the local community. Where such policies are considered appropriate it should be made clear that the release of small housing sites within or adjoining existing settlements for the provision of affordable housing to meet local needs which would not otherwise be allocated in the development plan, is an exception to the policies for general housing provision. Such policies must be fully justified, setting out the type of need and the kind of development which fall within their terms. The affordable housing provided on exception sites should meet the needs of local people in perpetuity.

Sites must meet all the other criteria against which a housing development would be judged. Affordable housing exception sites are not appropriate for market housing.

Gypsies and Travellers

4.2.35 Local authorities are required to assess the accommodation needs of Gypsy and Traveller families and to allocate sites to meet the identified need[34]. Where a Gypsy and Traveller Accommodation Assessment (GTAA) identifies an unmet need, a planning authority should allocate sufficient sites in their development plan to ensure that the identified pitch requirements for residential and/or transit use can be met. Planning authorities will need to demonstrate that sites are suitable for development and deliverable in the identified timescales[35]. In drawing up policies planning authorities should consult providers of social housing, representatives of Gypsies and Travellers communities and landowners in areas likely to be appropriate for site provision. The consultation should be undertaken in a manner that is consistent with the planning authority's Community Involvement Scheme.

Rural Enterprise Dwellings

4.2.36 The purpose of 'rural enterprise dwellings' is to enable rural enterprise workers to live at or close to their place of work, including encouraging younger people to manage farm businesses and supporting the diversification of established farms. Rural enterprise dwellings represent one of the few circumstances in which isolated new residential development in the open countryside may be justified.

4.2.37 All applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need. It will be important to establish whether the rural enterprise is operating as a business and will continue to operate for a reasonable length of time. Planning authorities should follow the guidance in Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities[36] and in the related practice guidance with regard to the requirements for rural enterprise dwelling appraisals. Applications for rural enterprise dwellings must only be permitted where the rural enterprise dwelling appraisal provides conclusive evidence of the need for the dwelling. In order to ensure that rural enterprise dwellings are retained for their intended purpose a condition restricting the occupancy of the property must be applied. Rural enterprise dwellings should also be classified as affordable housing as defined in TAN 2: Planning and Affordable Housing, to ensure that the dwelling remains available to meet local affordable housing need should the original justification cease to exist.

One Planet Development

4.2.38 One Planet Development (OPD) is development that through its low impact either enhances or does not significantly diminish environmental quality. OPD may take a number of forms and can either be single homes, co-operative communities or larger settlements. They may be located within or adjacent to existing settlements, or be situated in the open countryside.

4.2.39 OPD located in the open countryside should provide for the minimum needs of the inhabitants in terms of income, food, energy and waste assimilation over a period of no more than five years from the commencement of work on

[34] The assessment of Gypsy and Traveller accommodation needs, and the duty to make provision for sites where the assessment identifies need, are statutory requirements under the Housing (Wales) Act 2014.

[35] Further detail on the process of providing Gypsy and Traveller sites through the planning system is contained in Welsh Government Circular 005/2018: Planning for Gypsy, Traveller and Showpeople Sites. https://gov.wales/topics/planning/policy/circulars/welshgovcirculars/wgc-005-2018/?lang=en

[36] Technical Advice Note 6, Planning for Sustainable Rural Communities (2010) https://gov.wales/topics/planning/policy/tans/tan6/?lang=en

the site. This should be evidenced by a management plan produced by a competent person(s). Where this cannot be demonstrated, proposals should be considered against policies which seek to control development in the open countryside. Planning authorities should follow the guidance in TAN 6[37] with regard to the requirements of OPD[38] and associated management plans.

Activities in a Place

4.3 Retail and Commercial Development

4.3.1 Retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities. They are highly accessible to different modes of transport and are the most sustainable locations for new development.

4.3.2 Retail and commercial centres should be identified in development plans and include established city, town, district, local, village and neighbourhood centres, which provide a range of shopping, commercial and leisure opportunities as well as places of employment, education, civic identity and social interaction. Opportunities to live in these centres, combined with their good public transport links, make them the most sustainable places.

4.3.3 The Welsh Government identifies a number of overarching objectives for retail and commercial centres, which planning authorities should aim to deliver through their development plan and development management

[37] Technical Advice Note 6, Planning for Sustainable Rural Communities (2010) https://gov.wales/topics/planning/policy/tans/tan6/?lang=en
[38] One planet development practice guide https://gov.wales/topics/planning/policy/guidanceandleaflets/oneplanet/?lang=en

decisions ensuring their maximum contribution to the well-being goals. The planning system must:

- promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;
- sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and
- iImprove access to, and within, retail and commercial centres by all modes of transport, prioritising walking, cycling and public transport.

Retail Strategies

4.3.4 Retail and commercial centres are central to community activity and local prosperity and in order to plan for them effectively it is important to understand their function, roles and relationships.

4.3.5 Planning authorities should establish through their development plan a clear strategy for retail development, supported by policies, to achieve vibrant, attractive and viable retail and commercial centres. The strategy and policies should set out a framework for the future of retail and commercial centres in their area, taking in to account strategies in adjoining authorities, to promote a successful retailing sector supporting existing and new communities.

4.3.6 Retail and commercial centres will experience growth and decline, and development plans should identify these changing retail pressures and opportunities and devise appropriate responses to them in their retail strategies. In some situations it may be necessary to take pro-active steps

to identify retail and commercial centre locations for expansion. In others it may be necessary to identify measures to reinvigorate centres or to manage a change in the relative importance of a centre as other centres' roles expand. Strategies and supporting policies should be based on robust evidence.

4.3.7 The use of masterplans, development briefs or place plans can complement retail strategies by providing additional detail and supporting the implementation of development plan policies. In developing strategies, plans and policies to revitalise and increase the attractiveness of existing retail and commercial centres, planning authorities should consult the private sector and local communities.

4.3.8 If a need for additional retail development has been identified through the development plan process, planning authorities should consider the most appropriate form, scale, and location of provision to best meet the requirement and to improve social, economic, environmental and cultural well-being.

4.3.9 In order to be flexible in circumstances where no sites are allocated, planning authorities should include criteria based policies against which proposals can be assessed.

Retail and Commercial Centre Hierarchies

4.3.10 Planning authorities should establish a hierarchy of retail and commercial centres in their development plan strategy, identifying boundaries on the proposals map.

4.3.11 Using locally defined definitions, planning authorities should identify and categorise retail and commercial centres by the functions they fulfill, consider their future roles, and recognise opportunities to support Welsh Government retail and commercial centre objectives.

4.3.12 When developing a hierarchy, account should be taken of the size, scale, form, function and location of the retail and commercial centres within an area. The planning authority should consider the characteristics of each type of centre so they can be consistently categorised. For example, this could be the range of uses present or the extent of the catchment area. The hierarchy should distinguish between higher order centres which have a wider range of uses and larger catchment areas, and lower order centres which are important to communities for day-to-day needs.

Needs Test

4.3.13 It is important that communities have access to adequate levels of retail provision. Evidence should demonstrate whether retail provision is adequate or not, by assessing if there is further expenditure capacity in a catchment area (quantitative need) or if there is a lack of retail quality, range of goods or accessibility (qualitative need).

4.3.14 In deciding whether to identify sites for comparison, convenience or other forms of retail uses in development plans or when determining planning applications for such uses, planning authorities should first consider whether there is a need for additional retail provision. However, there is no requirement to demonstrate the need for developments within defined retail and commercial centre boundaries or sites allocated in a development plan for specific retail uses. This approach reinforces the role of centres, and other allocated sites, as the best location for most retail, leisure, and commercial activities. It is not the role of the planning system to restrict competition between retailers within centres.

4.3.15 Need may be quantitative, to address a quantifiable unmet demand for the provision concerned, or qualitative. Precedence should be given to establishing quantitative need before qualitative need is considered for both convenience and comparison floorspace, particularly as a basis for development plan allocations.

4.3.16 Qualitative assessment should cover both positive and negative aspects and may become an important consideration where it:

- supports the objectives and retail strategy of an adopted development plan or the policies in this guidance;
- is highly accessible by walking, cycling or public transport;
- contributes to a substantial reduction in car journeys;
- contributes to the co-location of facilities in existing retail and commercial centres;
- significantly contributes to the vibrancy, attractiveness and viability of such a centre;
- assists in the alleviation of over-trading of, or traffic congestion surrounding, existing local comparable stores;
- addresses locally defined deficiencies in provision in terms of quality and quantity, including that which would serve new residential developments; or where it;
- alleviates a lack of convenience goods provision in a disadvantaged area.

4.3.17 It will be for the planning authority to determine and justify the weight to be given to any qualitative assessment. Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms. However, they may be material considerations in making a decision on individual planning applications if the regeneration and job creating benefits can be evidenced. If there is no quantitative or qualitative need for further development for retail and commercial centre uses, there will be no need to identify additional sites.

Sequential Test

4.3.18 The Welsh Government operates a 'town centres first' policy in relation to the location of new retail and commercial centre development. In implementing this policy, planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses. By adopting a sequential approach first preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres.

4.3.19 If a suitable site or building to meet identified need is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. The onus of proof that central sites have been thoroughly assessed rests with the developer.

4.3.20 Edge-of-centre or out-of-centre sites should be accessible by a choice of public and private modes of travel. New out-of-centre retail developments or extensions to existing out-of-centre developments should not be of a scale, type or location likely to undermine the vibrancy, attractiveness and viability of those retail and commercial centres that would otherwise serve the community, and should not be allowed if they would be likely to put development plan retail strategy at risk. The extent of a sequential test should be agreed by pre-application discussion between the planning authority and the developer.

4.3.21 The sequential approach applies to retail and all other uses complementary to retail and commercial centres. Other complementary uses include, for example, financial and professional services (A2), food and drink (A3),

offices (B1), hotels (C1), educational and other non-residential establishments (D1), leisure (D2) and certain other uses such as launderettes and theatres[39]. However, some education, healthcare and community uses may have specific accessibility requirements which mean they need to be located close to the communities they serve. Planning authorities should be flexible in their approach where it is necessary. The nature of a proposed use is likely to determine what type of centre (i.e. higher or lower order centre) is most appropriate as a starting point for the sequential approach process.

4.3.22 When preparing development plans, planning authorities should take a positive approach, in partnership with the private sector, in identifying sites which accord with the sequential approach and are in line with the development plan retail strategy in terms of the size, scale and format of new developments needed. In allocating sites for different types of retail and commercial centre uses planning authorities should take account of factors such as floorspace, quality, convenience, traffic generation and attractiveness of the site. Planning authorities should not prescribe rigid floorspace limits on allocated sites that would unreasonably inhibit the retail industry from responding to changing demand and opportunity.

4.3.23 Some types of retail store, such as those selling bulky goods and requiring large showrooms, may not be able to find suitable sites or buildings within existing retail and commercial centres. Where this is the case such stores should in the first instance be located on sites identified for such a purpose in the development plan, preferably on an edge of centre site. Where such sites are not available or suitable, other sites at the edge of retail and commercial centres, followed by out-of-centre locations may be considered, subject to application of the needs and impact tests.

4.3.24 Planning authorities should include policies in their plans to protect existing retail sites from inappropriate development. However, where a planning authority has evidence an existing retail site is no longer required for the use it was intended, the authority should consider what alternative uses may be appropriate and include policies in its plan.

Retail Impact Assessments

4.3.25 Retail developments outside designated retail and commercial centres, and which are not located on an allocated site, can impact on the viability and vibrancy of a centre. Impacts resulting from such development, whether individual or cumulative, may include changes in turnover and trading ability, consumer choice, traffic and travel patterns, footfall, as well as affect centre regeneration strategies and existing or proposed retail sites allocated in the development plan. The purpose of the retail impact assessment is to consider these issues and determine if these developments are likely to have detrimental consequences.

4.3.26 All retail planning applications or retail site allocations of 2,500 sq. metres or more gross floorspace that are proposed on the edge of or outside designated retail and commercial centres should, once a need has been established, be supported by a retail impact assessment.

4.3.27 For smaller retail planning applications or site allocations, planning authorities will need to determine whether an assessment is necessary, for example when a smaller proposal may have a significant impact on a centre. Requests for retail impact assessments by planning authorities on smaller developments should be proportionate to potential impacts.

[39] The Town and Country (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'.

4.3.28 Retail proposals on the edge-of-centre or out-of-centre, which are to be located on sites allocated in accordance with an up-to-date development plan, will not normally require the application of a retail need test, a sequential test or an impact assessment. These tests should have been carried out by the planning authority when the development plan was prepared and the acceptable uses for the site identified. However, there may be instances where the nature of the proposal is not adequately addressed by the development plan and it may be appropriate to apply one or more of these tests.

4.3.29 Edge of centre or out-of-centre retail developments may seek, over time, to change the range of goods they sell or the nature of the sales area. Planning authorities should anticipate such changes using appropriate conditions[40] on the initial permission or in relation to requests for any subsequent change or variation of condition. Conditions can restrict the amount of floorspace, or prevent a development from being sub-divided into smaller shops to limit the range of goods sold, or prevent the creation of a single large store. Also where the inclusion, for instance, of post offices and pharmacies in out-of-centre retail developments would be likely to lead to the loss of existing provision in a designated retail and commercial centre, they should be discouraged by imposing appropriate conditions. Planning authorities may wish to consider extending the list of uses controlled in out-of-centre retail developments if the location of such uses are likely to lead to the loss of existing provision in retail and commercial centres. Applications to remove or vary conditions should be subject to the same considerations.

Mixed Uses and Primary and Secondary Shopping Areas

4.3.30 Although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy.

4.3.31 Primary areas are typically characterised by a high proportion of A1 retail uses, and their designation requires an understanding of the existing distribution of uses in a centre together with careful consideration of a centre's role and how it relates to the retail strategy for the area. Secondary areas typically contain mixed uses, for example shops, cafes and restaurants, financial establishments and other services and community facilities.

4.3.32 Policies should encourage a diversity of uses in centres. Planning authorities should identify which retail and commercial centres in their development plans have primary and secondary shopping areas, and show these on the proposals map.

4.3.33 Vibrant and viable centres are distinguished by a diversity of activity and uses which should contribute towards a centre's well-being and success, whilst also reducing the need to travel. Development plans should include policies describing the types of use that are likely to be acceptable in primary and secondary areas.

4.3.34 Leisure and entertainment, and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can contribute to a successful evening economy. In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where

[40] Welsh Government Circular WGC016/14, The Use of Planning Conditions for Development Management, 2014 https://gov.wales/topics/planning/policy/circulars/welshgovcirculars/wgc-16-2014/?lang=en

appropriate to promote lively centres during both the day and the evening.

4.3.35 Achieving diversity of uses and activities may require a flexible approach to planning. Where the right balance of use and activity is not being achieved, planning authorities should consider making changes to the acceptable uses in primary or secondary areas, or the retail and commercial centre boundaries themselves.

4.3.36 Planning authorities should assess retail and commercial centre performance and the effectiveness of development plan policies by monitoring their health[41]. They should use the strategy in their development plan to manage change and take action where necessary to address this. Where economic decline is impacting on a retail and commercial centre, emphasis on retaining A1 uses in premises either in primary or secondary areas, which have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels.

4.3.37 On the periphery of a retail and commercial centre that has been assessed to be in decline by a planning authority, and where regeneration initiatives are thought unlikely to be successful, changes to the retail and commercial centre boundary may be appropriate. Rationalising a centre's boundary can help concentrate both A1 and non-A1 uses in a smaller more viable area, whilst potentially releasing property outside the new boundary for residential and other appropriate uses. Within a retail and commercial centre boundary change of use to residential may also be acceptable and help contribute to the viability and vibrancy of a centre. However, night-time noise considerations may be a limiting factor in some areas and residential use is unlikely to be suitable on the ground floor within primary areas or other places of concentrated A1 uses because it may fragment the shopping frontage and impact on the vibrancy and viability of a centre.

4.3.38 Where a planning authority considers a retail and commercial centre has declined to such an extent that it is no longer viable or has any prospect of retaining or attracting future investment, then consideration should be given to removing the retail centre status from that area. This should be done through full consultation with communities as part of the development plan.

4.3.39 Policies and supplementary planning guidance should support the management of retail and commercial centres where appropriate. Such management, involving enhancement and promotion, can be an important factor in achieving vibrancy, viability, and attractiveness in retail centres. Management measures can also contribute to the achievement of a safe and crime free environment. Partnership between local authorities and the private sector is essential to the success of such management strategies.

Local and Village Shops

4.3.40 Local and village shops, and public houses provide an important role in the local community and their loss can have a detrimental impact, particularly in rural locations.

4.3.41 The economic and social function of local shops, village shops and public houses should be taken into account when considering applications for a change of use into residential or other uses. In rural areas, planning authorities should adopt a positive approach to applications for conversion of suitable

[41] Technical Advice Note 4, Retail and Commercial Development, Welsh Government, 2016. https://gov.wales/topics/planning/policy/tans/tan4/?lang=en

village properties to shops and for extensions to village shops designed to improve their viability. A positive approach should also be taken, subject to amenity considerations, to reestablishing public houses, especially in villages which have lost such provision. The lack of public transport in rural areas should not preclude small-scale retail or service development where this will serve local needs.

4.3.42 Shops ancillary to other uses, such as farm shops that will help to meet the demand for fresh produce, craft shops and shops linked to petrol stations, can also serve a useful role in rural areas by providing new sources of jobs and services. In assessing such proposals, Planning Authorities should take account of:

- the potential impact on nearby retail and commercial centres or village shops;
- the desirability of providing a service throughout the year; and
- the likely impact of traffic generated and access and parking arrangements.

The Importance of Evening and Night Time Economies

4.3.43 Retail and commercial centres often include activities which contribute to a vibrant and viable evening and night time economy. Such uses may include, for example, bars, restaurants, pubs, theatres, music, arts and other entertainment venues which provide for social and cultural experience and spaces in which creativity can be fostered. Such activities are likely to be characterised by increased levels of noise, large gatherings of people, later operating hours and greater movements in traffic.

4.3.44 Where new uses incorporating evening and night time activities are established in retail and commercial centres, and are located near to existing residential accommodation, planning applicants should include appropriate mitigation measures to counter potential impacts to amenity. Similarly where residential development is proposed next to or near existing evening and night time uses, such as those described, it will be necessary to consider the compatibility of uses and to incorporate mitigation measures to minimise any impact on the amenity of any future residents. The agent of change principle (see Chapter 6 for more detail) will be a guiding principle for supporting the evening economy and the development of uses sensitive to the soundscapes experienced in busy commercial centres.

4.3.45 The important role that retail and commercial centres have in creating diverse and vibrant cultural and creative places and the wider benefits these bring in stimulating wider regeneration should be recognised by planning authorities.

4.3.46 New or refurbished music or arts venues, galleries and museums can be the catalyst for stimulating regeneration and lead to the establishment of cultural and creative quarters in our centres. These 'quarters' help create further vibrancy and diversity that stimulates wider growth and regeneration.

4.3.47 Creative and cultural businesses (such as theatres, music venues and arts centres) can thrive in shared space environments and hubs and help create diverse, vibrant, and viable places that are attractive to related and unrelated businesses. Traditionally, such hubs grow from the ground up with local and national government playing an enabling role. There is evidence that these quarters often evolve from quite humble origins utilising cheap, often disused, building spaces.

4.3.48 In formulating development plans, planning authorities should be mindful of these creative and cultural clusters in their retail and commercial centres and, if appropriate, seek to identify these areas with associated policies, to ensure that their contribution is recognised and valued.

4.4 Community Facilities

4.4.1 Community facilities perform various functions which cover a broad range of activities and services that can be delivered by the public, private and third sectors. Community facilities contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places. They can include schools, cultural facilities, health services, libraries, allotments and places of worship.

4.4.2 Planning authorities should develop a strategic and long-term approach to the provision of community facilities when preparing development plans based on evidence. When considering development proposals planning authorities should consider the needs of the communities and ensure that community facilities continue to address the requirements of residents in the area.

4.4.3 Allotments and community growing spaces have many social, environmental, economic and health benefits. They can contribute to a place's identity and its sense of community, and can help to regenerate open spaces. Local authorities should retain and protect existing allotment sites, particularly where they have an important green infrastructure or community value. Where there is demonstrable demand, local authorities have a statutory duty to provide land for allotments. Where appropriate, plans should allocate land for new allotments and community growing spaces. Statutory allotments have legal protection. They cannot be sold or used for other purposes without the consent of the Welsh Ministers.

4.4.4 Town and village greens are protected by legislation and development is generally prohibited except where the development is for the better enjoyment of the land for sports and recreation and in other limited circumstances.

4.5 Recreational Spaces

4.5.1 Recreational spaces are vital for our health, well-being, amenity and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life. Networks of high quality, accessible green spaces and recreation spaces will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities. These activities are important for the well-being of children and adults and for the social, environmental, cultural and economic life of Wales.

4.5.2 Planning authorities should provide a framework for well-located, good quality sport, recreational and leisure facilities, and develop clear policies for the provision, protection and enhancement of sport, recreation and leisure facilities. These policies should set standards of provision, so that local deficiencies can be identified and met through the planning process, and set out policies to avoid or resolve conflict between different activities.

4.5.3 Formal and informal open green spaces should be protected from development, particularly in urban areas where they fulfil multiple purposes. As well as

enhancing quality of life, they contribute to biodiversity, the conservation of the historic environment, nature and landscape, better air quality, the protection of groundwater and as places of tranquillity. Such open spaces also have a role in climate protection and in enabling the adaptation of urban areas to the impacts of climate change, for example by contributing to flood management and helping to reduce the effects of urban heat islands. Many parks and gardens are historically significant and are listed in the Historic Parks and Gardens in Wales Register.

4.5.4 All playing fields whether owned by public, private or voluntary organisations, should be protected from development except where:

- facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- alternative provision of equivalent community benefit is made available locally, avoiding any temporary loss of provision; or
- there is an excess of such provision in the area.

4.5.5 Planning authorities should protect playing fields and open spaces which have significant amenity or recreational value to local communities from development. They should indicate the ways in which previously developed or disused land and water bodies can be used for sport and recreation uses, particularly in relation to urban regeneration.

4.5.6 Planning authorities should encourage the multiple use of open space and facilities, where appropriate, to increase their effective use. 'Beyond the Six-acre Standard'[42], produced by Fields in Trust, is a source of helpful advice to planning authorities on providing open space and outdoor sport and play through the planning system.

4.5.7 Planning authorities should consider scope to use disused land and routes as parks, linear parks or greenways in urban areas and encourage the provision of safe and attractive cycle routes and footpaths. Where recreational use of redundant railway lines or spaces alongside canals or rivers is proposed, planning authorities should ensure that there is no detriment to adjoining users, wildlife or flood defences.

[42] http://www.fieldsintrust.org/Upload/file/guidance/Guidance-for-Outdoor-Sport-and-Play-Wales-Apr18.pdf

5 Productive and Enterprising Places

Productive and Enterprising Placemaking and Well-being

The Productive and Enterprising theme covers the economic components of placemaking. These components are complementary to those of the Active and Social and Distinctive and Natural themes and collectively the three themes come together to contribute towards the national sustainable placemaking outcomes. The diagram below illustrates how these outcomes work together as a whole, with Productive and Enterprising outcomes emphasised.

Productive and Enterprising Places are those which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development. These places are designed and sited to promote healthy lifestyles and tackle climate change. This is done by making them: easy to walk and cycle to and around; accessible by public transport; minimising the use of non-renewable resources; and using renewable and low carbon energy sources.

Places which are productive and enterprising contribute to the seven goals of the Well-being of Future Generations Act which include:

A **Prosperous Wales** can be achieved through increased economic activity across all sectors and at all scales. This is realised through the availability of employment land, lifelong learning and training opportunities, reliable communication networks and investment in renewable and low carbon energy sources. Resource efficient choices are promoted which have financial benefits both now and over the lifetime of development.

A **Resilient Wales** is supported by our agriculture and tourism industries and through the beauty of our natural, built and historic environment. Tourism development, which can finance preservation activities, needs careful management to ensure continued enjoyment by future generations. Sustainable agricultural practices can also assist in nature conservation and enhancement. Wales' topography also lends itself to renewable energy generation.

A **Healthier Wales** can be achieved through the reduction in emissions and air pollution as a result of generating energy from non-carbon sources. Greater distribution of our economic wealth can also help alleviate poverty which is a key determinant of health.

A more **Equal Wales** can be achieved through promoting sufficient employment and enterprise opportunities for people to realise their potential and by recognising and building on the existing economic strengths of places to assist in delivering prosperity for all.

Cohesive Communities are created by people who have access to fulfilling work which is easily reached locally through sustainable transportation infrastructure and who can communicate effectively and safely with their friends and neighbours.

A **Vibrant Culture and thriving Welsh Language** are supported by the provision of jobs and economic activity which needs to be strategically planned and managed. The Welsh language and culture makes a distinctive contribution to the viability of communities. Our tourism offer also needs promotion to capitalise support activities which reflect our distinctiveness.

Above all, a **Globally Responsible Wales** is promoted by reducing our carbon footprint through integrated public transportation infrastructure, encouraging globally responsible business and the promotion of renewable energy over carbon-emitting sources and resource choices through which multiple benefits can be realised.

Development proposals should look to the **long term** to consider how they can be flexible to adapt to future employment needs and practices, including responding to relevant future trends, the decarbonisation of our energy system, how people will move around or communicate in the future and safeguard the resources which may be needed by future generations.

Development should **prevent** problems from occurring or getting worse such as the generation of carbon emissions, poor air quality and waste and the depletion of our natural resources which will need to be managed for many years to come.

Development should be **integrated** to ensure that common issues are considered and accommodated early on, such as equipping our homes and businesses with the necessary digital and physical infrastructure and ensuring we have the right natural resources to do so.

Collaboration is necessary to strategically plan for our employment, energy, waste and mineral needs. These are areas where 'larger than local' issues need to be addressed by planning authorities with the involvement of other agencies and communities to ensure sustainable outcomes are delivered across Wales.

Productive and Enterprising Trends and Issues

The breadth of topics in the Productive and Enterprising Places theme respond to future trends and issues that will need to be addressed through the planning system. These trends need to be challenged by planning decisions in order to ensure we create sustainable places.

The key issues in this theme include:

- ensuring that there is sufficient employment land to meet the needs and requirements of a range of future employment scenarios (including increased automation and the significant contribution of SMEs to the Welsh economy) whilst ensuring that an over-supply of employment land does not prevent the release of land for other uses;
- promoting and diversifying our rural economy to ensure it is fit for the future and economically sustainable while ensuring that unnecessary development in the countryside is controlled;
- capitalising on our distinctive tourism offer to promote Wales to the world, creating high quality jobs in this sector which enhance skills and provide employment year-round;
- readying Wales for further technological innovation in the mobile and broadband sector so it can adapt to future change while ensuring that all parts of Wales have access to modern communication systems;
- making our transportation infrastructure adaptable to future innovations, such as autonomous vehicles, the growth in Ultra Low Emission Vehicles, changing working patterns and the increased use of on-demand delivery services;
- increasing the use of integrated digital communications and technology to create 'smart places' and the implications of this for the way we travel, communicate, work and socialise;
- embracing the challenge of decarbonising our energy and transport sectors including phasing out of fossil fuels and moving towards local, decentralised renewable energy systems, the increased use of energy storage to balance supply and demand and the challenge this creates on our distribution networks;
- responding to the challenges of supporting and enabling adaptation in the built environment to embed circular economy principles into design choices, site selection, treatment and associated construction practices;
- supporting and enabling training, education, infrastructure, construction and manufacturing capacity to support progress towards a circular economy;
- supporting and enabling renewable, low carbon globally responsible material choices and their efficient and most appropriate use, so as to prevent waste and ensure finite resources are not unnecessarily diminished; and
- ensuring that minerals resources which may be needed in the future are safeguarded and the adequate supply of a diverse range of minerals is available over the long term.

Productive and Enterprising Linkages

The policy topics of the Productive and Enterprising Places theme can collectively work together to create sustainable places through development plan strategies, policies and allocations and development management decision making. In particular:

- new developments should be electronically connected to enable efficient access to the internet and communications systems to drive forward economic competitiveness, increase flexible working opportunities and minimise digital exclusion;
- the potential of new/improved transportation infrastructure to create new or renew hubs of economic

activity should be realised with careful master-planning around sustainable transport nodes and interchanges to create places which can be easily accessed by sustainable transport and which capitalise on their location and the opportunities which this presents;

- capitalising on our existing natural and historic assets and new transportation infrastructure to maximise opportunities for tourism-related economic development;
- recognising the contribution of our ports, airports and other transportation infrastructure to the economy and the importance of linking economically important sites together in a sustainable way;
- encouraging policies and proposals which promote low carbon developments and sites for renewable energy, manufacturing, research and development close to areas of deployment of renewable energy;
- promoting the economic benefits of energy schemes and in particular supporting those developments which maximise planning-related benefits to communities;
- identifying and supporting the potential for heat networks (including energy from waste plants) and areas with potential for higher sustainable building standards;
- implementing the proximity principle for waste, minerals and district scale energy to minimise the need for road transport and its impacts and additional pressure on energy networks;
- recognising the economic contribution of minerals in the provision of economic infrastructure;
- drawing on the principles of the circular economy to reduce unnecessary waste and encourage high quality manufacturing and better materials choices in the built environment, including the use of durable materials in developments;
- maximising the use of our sustainable transport infrastructure, including ports and railways to directly support freight movements and serve economic development opportunities and mineral workings; and
- recognising the impact that increased use of e-commerce will have on freight distribution including the increased need for distribution facilities, particularly in areas with growing accessibility to broadband infrastructure.

Introduction

5.0.1 The Productive and Enterprising Places theme of planning policy topics covers economic development, physical infrastructure, energy and the efficient use of resources.

5.0.2 It includes the development of land necessary for economic activity, including traditional office and industrial development, rural enterprise and tourism, and the transport infrastructure and communication systems necessary to make those developments sustainable and work effectively. Our homes, businesses and communities need to be powered and heated by low carbon energy sources, which also includes reducing and optimising our use of energy within them. Use of non-renewable sources of energy will need to be curtailed if we are to meet our carbon reduction targets and international obligations on climate change. Finally, the use of the mineral resources necessary to build our infrastructure needs to be sustainably managed; as does the waste we generate from all our economic activity.

Economic Infrastructure

5.1 Context

5.1.1 Infrastructure, be it physical, electronic or digital, plays a pivotal role in maintaining the economic well-being of Wales. It enables people to connect and interact with each other, either in person or electronically, to increase prosperity. It delivers people to their place of work and home again. It enables goods manufactured here to be delivered to places around the world. It enables effective communication between people and businesses and provides a place for people to work and enjoy our natural and cultural assets. Poor infrastructure can be both a disincentive to investment and growth, and have a detrimental impact on quality of life, prosperity and the well-being of communities.

5.2 Electronic Communications

5.2.1 Affordable, secure electronic communications infrastructure is essential to people and businesses. The availability and exchange of information afforded by telecommunications ensures people are connected to important services, their communities and the wider world and essential for long term prosperity.

5.2.2 Modern society demands reliable fast and high capacity communication networks to ensure large amounts of data can be easily accessed or exchanged. It is the Welsh Government's objective to offer fast and reliable broadband to every property in Wales and to support the deployment of mobile infrastructure across the country.

5.2.3 The Welsh Government works with the telecommunications industry and the communications regulator Ofcom to share information on communications infrastructure, to understand regulatory, planning and economic issues which may influence investment and to inform future policy making in this area.

5.2.4 The provision of electronic telecommunications infrastructure is supported by extensive permitted development rights.

Mobile Telecommunications[43 44]

5.2.5 Mobile telecommunications incorporates both mobile phone and mobile broadband technology and services. The planning system should help support telecommunications infrastructure where it is required, whilst taking in to account the status of protected land and buildings as well as amenity considerations to protect what is valued most in our communities and environment.

[42] See TAN 19: Telecommunications: https://gov.wales/topics/planning/policy/tans/tan19/?lang=en 43
[44] Mobile phone network development: code of practice https://beta.gov.wales/mobile-phone-network-development-code-practice

5.2.6 The impact from new mobile telecommunications infrastructure will be the greatest in sensitive landscapes and other designated areas and should be carefully planned. However, it is these areas, which are mostly rural in nature, which are affected economically and socially by limited coverage. Proactive but considered planning is therefore essential to ensure greatest coverage whilst maintaining the character of these special areas.

5.2.7 Planning authorities should actively engage with mobile operators when preparing development plans to discuss service provision and identify where coverage is limited or is not being provided.

5.2.8 Development plans should set out policies for telecommunications development, including criteria-based policies to guide development to suitable locations. Criteria should be sufficiently flexible to accommodate technical changes and may be concerned with the siting and appearance of apparatus, including location and landscaping requirements designed to minimise the impact on amenity consistent with operational requirements.

5.2.9 Planning authorities should not question the need for the telecommunications system nor seek to prevent competition between different operators.

5.2.10 New technologies such as 5G will result in the densification of mobile infrastructure particularly in urban areas which could require more small cell sites in street settings. The planning system will need to respond positively to this evolution in technology whilst being mindful of the impacts on amenity and the historic environment.

Efficient Use of Telecommunications Infrastructure

5.2.11 Mobile operators should share telecommunications masts where possible to ensure efficient use of infrastructure and to minimise environmental impact. In cases where masts of different operators are situated in close proximity to one another, the operators should justify this approach in their planning applications.

5.2.12 The sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution in a particular case, for example in designated or sensitive landscape areas. The design of masts will be an important consideration where sharing is likely to be the preferred approach and efforts to disguise apparatus should be pursued where necessary. Wherever possible, use should be made of existing buildings and other structures to site new equipment and developers should engage with planning authorities and the community to identify possible locations that could bring additional benefits. Siting should allow for the greatest possible coverage while, so far as is practicable, minimising the impact on amenity and the external appearance of a building.

5.2.13 As networks develop and technology changes, the re-use of existing sites is encouraged to minimise the need for new sites. Conditions should also be used to ensure that equipment that is no longer required or in use is removed promptly.

Sensitive Neighbouring Uses

5.2.14 Where a new mast is proposed on or near a sensitive use, for example an airport, hospital, crèche, school or college, it is important that operators engage with the owners and operators of the use early on in the development process to discuss any technical or other concerns the siting of a mast may cause. This will also include sites which may be in the proximity of military or other communication networks. Evidence of this engagement should be provided with all applications.

5.2.15 Provided that the development meets the International Commission on Non-Ionising Radiation Protection

(ICNIRP) guidelines, planning authorities should not consider the health aspects of mobile telecommunication equipment. All new base stations are expected to meet the ICNIRP guidelines.

5.2.16 Planning authorities should not implement their own precautionary policies, such as imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.

Fixed Line Broadband

5.2.17 Development proposals for new broadband infrastructure or improvements to existing networks or apparatus should be supported by planning authorities. As an essential service, new development proposals should include the provision of broadband services from the outset and the relevant infrastructure should be encouraged by planning authorities.

5.2.18 In rural areas, access to superfast broadband is essential for both business and social purposes. The remoteness of some areas has proven a challenge to the establishment of modern networks. Current Welsh Government programmes are seeking to address these issues.

5.2.19 Planning authorities in urban and rural areas should include policies in their development plans to address the need for broadband infrastructure and its improvement or replacement. This should include design and locational criteria to aid the determination of planning applications. Planning authorities should liaise with broadband infrastructure providers to understand future programme requirements for rollout and improvement in their areas over the development plan period.

5.3 Transportation Infrastructure[45]

5.3.1 The provision of sustainable transport infrastructure is essential in order to build prosperity, tackle climate change, reduce airborne pollution and to improve the social, economic, environmental and cultural well-being of Wales. The planning system should facilitate the delivery, decarbonisation and improvement of transport infrastructure in a way which reduces the need to travel, particularly by private vehicles, and facilitates and increases the use of active and sustainable transport[46].

5.3.2 Planning authorities should support necessary transport infrastructure improvements, where it can be demonstrated that such measures are consistent with Welsh Government policy to encourage and increase use of sustainable transport and reduce reliance on the private car for daily journeys. Transport infrastructure should not generate significant demand for additional car movements or contribute to urban sprawl or neighbourhood severance. The planning and design of transport infrastructure must consider the needs of users of active and sustainable transport before that of the private car, taking into account the sustainable transport hierarchy.

5.3.3 Development plans should identify and include policies and proposals relating to the development of transport infrastructure and related services (such as public transport interchange facilities, rail facilities, ports and airports), including areas safeguarded for future transport infrastructure/ routes. Where possible, the route of the proposed new or improved infrastructure should be shown in the development plan. When the precise route is not known, a safeguarding policy may be applied to the area of land necessary for the scheme. Blight should be kept to a minimum by including in development

[45] Technical Advice Note 18: Transport https://gov.wales/topics/planning/policy/tans/tan18/?lang=en
[46] See also Active and Social Places Chapter

plans only schemes which are likely to commence within the plan period. When development plans are prepared or amended, existing transport proposals should be reviewed so as to remove any proposals that have previously been safeguarded, but are now abandoned, or any that are unlikely to commence during the plan period.

5.3.4 Great care must be taken to minimise the adverse impacts of new or improved transport infrastructure on the natural, historic and built environment and on local communities, including on public health resulting from community severance and airborne pollution. Green infrastructure measures to mitigate negative effects and enhance environmental quality and connectivity should be considered at an early stage. Routes should make the best use of existing landforms and other landscape features to reduce noise and visual effects, subject to safety and other environmental considerations. Where no other alternative routes or options are practicable, transport infrastructure schemes should provide mitigation measures to minimise the negative impacts and enhance the positive ones caused by their construction and operation, including reducing exposure to airborne pollution.

5.3.5 When assessing transport projects, planning authorities should have regard to the Welsh Transport Appraisal Guidance (WelTAG)[47]. WelTAG sets out a staged and evidence-led process for analysis of transport problems and the development and appraisal of transport options against a wide spectrum of policies and environmental social, economic and technical considerations. This objective process is especially important in the planning of strategic transport infrastructure projects and transport associated with major developments, as it helps to ensure account is taken of the full range of impacts of transport options. This helps identify solutions which maximise contributions to well-being goals and allows solutions and mitigation measures to be identified and developed before decisions to proceed with schemes are made. The WelTAG process also acts as a safeguard to ensure that solutions are appropriate for tackling the transport problems identified and to avoid the selection of modal options being pre-determined without supporting evidence.

Public Transport

5.3.6 Planning authorities must promote and facilitate the provision and decarbonisation of high quality public transport infrastructure. Development plans should identify and support appropriate public transport routes, measures and facilities. This should take into account proposals in the Local Transport Plan (LTP), which could include improved facilities for bus passengers, park and ride schemes, new rail lines, including light rail, the re-opening of rail lines, the provision of new stations, and enhanced passenger services on existing lines. Development plans should also identify where additional public transport is required to support new development.

5.3.7 Planning authorities should identify in development plans the need for additional interchange sites and improvements to existing public transport interchanges, including measures to promote personal safety. In rural areas, interchange sites should be identified at nodes where the transfer between local and long distance public transport services can take place. Local authorities should also safeguard existing public transport interchanges from development that would compromise their continued use.

[47] Welsh Transport Appraisal Guidance https://beta.gov.wales/welsh-transport-appraisal-guidance-weltag

5.3.8 Disused railways and disused or unused rail sidings should, in collaboration with Transport for Wales and Network Rail, be safeguarded from development which could adversely affect them being brought back to rail use in the future. Any planning application or proposed development plan policy in the vicinity of, or directly affecting a former railway line should consider the impact on their potential use for rail in the future. As an interim measure, it may be appropriate to use disused rail alignments as open space corridors, for example for walking and cycling.

Strategic Road Network

5.3.9 Trunk roads and motorways have a national and international role, providing a network of high quality roads carrying long distance traffic between major centres.

5.3.10 Local authorities should utilise available powers to reduce the need to use trunk roads and other through routes for short, local journeys. Direct access to a motorway or motorway slip road would not be acceptable other than to a motorway service area approved by the Welsh Ministers. Direct access from new development on to a primary road should be avoided where possible. Where feasible, access should be on to a secondary road. At any location, traffic flow and safety can be assisted by good junction design. The number of accesses permitted will depend upon the type and nature of the road. Similarly, the type of access provided should reflect the type of road and the volume and character of traffic likely to use the access and the road.

5.3.11 Development plans should specify the primary road network, including trunk roads, and separately identify the core network. These routes should be identified on the constraints map as corridors for movement adjacent to which development that would compromise this strategic transport role, or adversely affect the environment or people's health, amenity or well-being, will be resisted.

5.3.12 Development plans should include all proposals for new roads and major improvements to the primary road network over the plan period, and set out the broad policy on priorities for minor improvements. For local road schemes, the development plan procedures should normally provide the means to examine both the need for and the alignment of the route.

5.3.13 The process of designing new road schemes and road improvements should take into account the transport hierarchy, whereby active and sustainable transport is considered before private motor vehicles. This will help to minimise community severance from a scheme and its impacts on the safety, convenience and amenity of routes for journeys on foot, bicycle and public transport.

Ports, Harbours, Marinas and Inland Waterways

5.3.14 Functional and attractive ports, harbours, marinas and inland waterways, which meet current and future demand, make Wales an attractive location for businesses, visitors and freight transportation. Support and investment in these facilities unlocks potential to boost the economy both directly, from the greater use of the facilities, and indirectly through the opportunities that improved maritime transport infrastructure provide for other sectors (both nationally and internationally).

5.3.15 The Welsh National Marine Plan (WNMP) provides a vision within which ports, harbours, marinas and inland waterways can plan their current and future operations, including options for expansion and diversification. Planning authorities must consider the land use implications of the WNMP.

5.3.16 Planning authorities should seek to promote the use of ports, harbours, marinas and inland waterways by the protection or provision of access to them and by the retention or provision of appropriate wharf, dock, harbour and rail transfer facilities to support economic activities in a way that minimises any adverse impacts on the environment. Planning authorities should also consider and, where appropriate, promote ports, and their surrounding area, for inter-modal freight interchanges and strategic employment sites.

Airports

5.3.17 Airports are important hubs, which play a significant role in providing national and international connectivity for tourism and business. The Welsh Government supports the growth and enhancement of airports and their infrastructure in Wales and the improvement of transport links to them by road and rail, particularly those which improve public transport accessibility.

5.3.18 Planning authorities should recognise the strategic and local importance of airports and their potential as centres of economic activity. Authorities should promote access to airports by sustainable transport, taking into account the existing and planned levels of public transport, and ensure environmental impacts, including airborne pollution, are fully taken into account.

Freight

5.3.19 The efficient, reliable and sustainable movement of freight is important to the economy, the effective provision of services that rely on supplies, such as health, and to people's everyday lives more generally. The Welsh Government's aim is for there to be an increase in freight moved by rail and water, rather than by road.

5.3.20 The strategic significance of freight access should be taken into account by planning authorities. Planning authorities should promote sustainable freight transport options, including considering the potential for the carriage of freight by rail, water or pipeline rather than by road. Development plans should identify and, where appropriate, protect routes required for the sustainable movement of freight and protect existing transport infrastructure from encroachment from other types of development.

5.3.21 Local authorities should consider which routes are most suitable for use by road freight and encourage the location or relocation of distribution and operating centres to sites which have good access to these routes. The same applies to other developments generating frequent road freight movements.

5.3.22 Wherever possible, new facilities should be located adjacent to railways and/or ports to promote modal transfer. Local authorities should also consider the feasibility of developing HGV hubs outside of city/town centres, where goods would be transferred to LGVs for the last leg of the freight journey.

5.3.23 Planning authorities should encourage the construction of wharves at ports and railheads, to serve new mineral development near the existing rail infrastructure, and protect existing transport infrastructure from encroachment from other types of development.

5.3.24 Planning authorities should take into account the implications from the continuing growth in door-to-door e-commerce services for both business and domestic use. This can have particularly significant impacts in urban areas, because of existing traffic congestion and airborne pollution.

5.4 Economic Development[48]

5.4.1 For planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses.

5.4.2 Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy. This section focuses primarily on traditional employment land uses (B1, B2 and B8) while policies on other economic sectors are found elsewhere in PPW.

Providing Sufficient Land Needed by the Market

5.4.3 Planning authorities should support the provision of sufficient land to meet the needs of the employment market at both a strategic and local level. Development plans should identify employment land requirements, allocate an appropriate mix of sites to meet need and provide a framework for the protection of existing employment sites of strategic and local importance.

5.4.4 Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration. Sites identified for employment use in a development plan should be protected from inappropriate development.

5.4.5 Evidence to inform the provision of economic development uses is key, and planning authorities should work together to produce Employment Land Reviews (ELR)[49] which inform this process.

5.4.6 When promoting economic development planning authorities should consider all policy options including the use of Local Development Orders (LDOs)[50] to simplify the planning process for enterprises in their area. Policy mechanisms, such as LDOs, will be of particular significance for local authorities which have Enterprise Zones.

Economic Evidence and Employment Land Reviews

5.4.7 Development plans and development management decisions should be based on up-to-date local and sub-regional evidence. It is important that such evidence demonstrates the suitability of the existing employment land supply as well as future provision in relation to the locational and development requirements of business.

5.4.8 Planning authorities should work with each other and with relevant economic fora in order to prepare an ELR.The review should include an assessment of anticipated employment change and land use together with estimates of land provision for employment uses showing net change in land/floorspace. This should be calculated for offices, industrial and warehouse uses separately. This evidence should help inform an economic vision for the area. Employment Land Reviews should be kept up to date and relevant to prevailing market conditions and the needs of the development plan.

[48] Technical Advice Note 23: Economic Development https://gov.wales/topics/planning/policy/tans/tan-23/?lang=en
[49] Practice Guidance: Building an Economic Development Evidence Base to support a Local Development Plan www.beta.gov.wales/local-development-plans-guidance-economic-development
[50] Welsh Government Circular 03/2012 – Guidance on using a Local Development Order, April 2012 www.wales.gov.uk/topics/planning/policy/circulars/welshgovcirculars/ldocircular/%3Flang%3Den and The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 www.legislation.gov.uk/wsi/2012/801/contents/made

Steering Economic Development to the Most Appropriate Locations

5.4.9 It is important that planning authorities are aware not only of the economic needs of their own areas but also of the surrounding region.

5.4.10 Effective planning for the economy requires planning authorities to work strategically and co-operatively directing development and investment to the most efficient and most sustainable locations, regardless of which local authority area they are in.

5.4.11 Strategic employment sites should be identified at a regional scale by agreement amongst local authorities on which sites best serve the area as a whole. Careful consideration should be given to the attributes of strategic employment sites to ensure that they have unique selling points and provide a differentiated offer across the region. Not every local authority should designate strategic employment sites and by virtue of their nature these sites should be protected from alternative non employment uses.

5.4.12 Through the development plan process planning authorities and relevant stakeholders should work together to identify the most appropriate land for development. Travel-to-work patterns do not reflect local authority boundaries and it is essential that planning authorities identify and make adequate provision, for their role in the regional and sub-regional economies of Wales.

5.4.13 Planning authorities should aim to:

- co-ordinate development with all forms of infrastructure provision such as transport and utilities;
- support national, regional, and local economic policies and strategies;
- align jobs and services with housing and sustainable transport infrastructure, to reduce the need for travel, and dependency on travel by car;
- promote the re-use of previously developed, vacant and underused land;
- deliver physical regeneration and employment opportunities to disadvantaged communities;
- control and manage the release of unwanted employment sites to other uses;
- propose specific locations for locally and strategically important industries which are detrimental to amenity and may be a source of pollution; and
- identify protection zones around land and premises that hold hazardous substances and protect the ability of existing businesses to operate or expand by preventing the incremental development of vulnerable uses in the locality.

5.4.14 Development policies and Supplementary Planning Guidance (SPG) should support mixed use developments, including flexible live/work units and commercial premises, where these are appropriate.

5.4.15 Whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.

Business Clusters

5.4.16 Economic clustering typically occurs when businesses from the same or similar industry, or with a common interest, choose to locate in close proximity for mutual benefit. Often, clustering concerns high technology, innovative or research and development based companies, but may also include finance, food and media businesses, or supply industries serving larger manufacturers. Businesses can benefit from shared facilities, infrastructure, local pools of skilled and qualified labour, common supply chains and links to higher education.

5.4.17 The Welsh Government's Enterprise Zones are an example of where co-ordinated action can take place to encourage investment in a particular sector in a particular place. Planning authorities should seek to support the development of business networks and clusters particularly in relation to innovative and technology based enterprise.

5.4.18 Development plan policies should identify potential networks and clusters, and make clear the criteria used to categorise them. Associated transport, environmental and telecommunications infrastructure links needed to support these networks and clusters and, where improvements are necessary, these should be included in the development plan. Planning authorities should also look favourably on any renewable and low carbon energy generation proposals designed to serve clusters, such as district heating systems and high efficiency energy recovery from waste, or the provision of an integrated network of waste recycling or collection.

5.5 Tourism

5.5.1 Tourism involves a wide range of activities, facilities and types of development and is vital to economic prosperity and job creation in many parts of Wales. Tourism can be a catalyst for regeneration, improvement of the built environment and environmental protection.

5.5.2 The planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. The planning system can also assist in enhancing the sense of place of an area which has intrinsic value and interest for tourism. In addition to supporting the continued success of existing tourist areas, appropriate tourism-related development in new destinations is encouraged. In some places however there may be a need to limit new development to avoid damage to the environment or the amenity of residents and visitors.

5.5.3 In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment.

5.5.4 Much of the existing provision of facilities and accommodation for tourism occurs in urban locations, including historic and coastal towns and cities. There will be scope to develop well-designed tourist facilities in urban areas, particularly if they help bring about regeneration of former industrial areas. The sensitive refurbishment and re-use of historic buildings also presents particular opportunities for tourism facilities in all areas

5.5.5 Long-distance routes, rights of way, disused railways, waterways and other green infrastructure are important tourism and recreation facilities, both in their own right and as a means of linking attractions.

5.5.6 Planning authorities should provide a framework for maintaining and developing well-located, well designed, good quality tourism facilities. They should consider the scale and broad distribution of existing and proposed tourist attractions and enable complementary developments such as accommodation and access to be provided in ways which limit negative environmental impacts as well as consider the opportunities to enhance biodiversity.

5.5.7 Planning authorities should adopt positive approaches to proposals which utilise previously developed or disused land and water bodies for tourism uses, particularly in relation to urban regeneration.

5.6 The Rural Economy

5.6.1 A strong rural economy is essential to support sustainable and vibrant rural communities. The establishment of new enterprises and the expansion of existing business is crucial to the growth and stability of rural areas.

5.6.2 Many commercial and light manufacturing activities can be located in rural areas without causing unacceptable disturbance or other adverse effects[51]. Small-scale enterprises have a vital role to play in the rural economy, and contribute to both local and national competitiveness and prosperity. While some employment can be created in rural locations by the re-use of existing buildings[52], new development will be required in many areas.

5.6.3 Where a need is identified, planning authorities should allocate new rural sites for economic development in development plans.

5.6.4 New development sites are likely to be small and, with the exception of rural diversification and agricultural development to which separate criteria apply[53], should generally be located within or adjacent to defined settlement boundaries, preferably where there is public transport provision. However, some industries may have specific land requirements which cannot be accommodated within settlements. The absence of allocated employment sites should not prevent authorities from accommodating proposals for appropriate small-scale enterprises in or adjoining small rural settlements. Planning authorities should include criteria based policy in development plans to consider such proposals when they are outside settlement boundaries. Whilst the protection of the open countryside should be maintained wherever possible, the expansion of existing businesses located in the open countryside should be supported provided there are no unacceptable impacts.

5.6.5 Although new businesses in rural areas are essential to sustain and improve rural communities, developments which only offer short-term economic gain are unlikely to be appropriate. Local authorities should encourage the growth of self-employment and micro businesses in rural areas by adopting a supportive and flexible approach to home working and associated change of use applications.

5.6.6 Planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. They should also adopt a positive approach to the conversion of rural buildings for business re-use.

5.6.7 Care should be exercised when considering intensive livestock developments when these are proposed in close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. In particular, the cumulative impacts (including noise and air pollution) resulting from similar developments in the same area should be taken into account.

[51] Technical Advice Note 6, Planning for Sustainable Rural Communities, Welsh Assembly Government, 2010 www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den

[52] Technical Advice Note 23, Economic Development, Welsh Government, 2014 www.wales.gov.uk/topics/planning/policy/tans/tan-23/%3Flang%3Den

[53] Technical Advice Note 6, Planning for Sustainable Rural Communities, Welsh Assembly Government, 2010 www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den

Rural Business Diversification

5.6.8 Planning authorities should adopt a positive approach to diversification projects in rural areas. Additional small business activities can often be sustainably located on farms and provide additional income streams. Diversification can strengthen the rural economy and bring additional employment and prosperity to communities.

5.6.9 Whilst every effort should be made to locate diversification proposals so they are well-served by public transport, it is recognised that certain diversification proposals will only be accessible by car. While initial consideration should be given to adapting existing farm buildings, the provision of a sensitively designed new building on a working farm within existing farm complexes may be appropriate where a conversion opportunity does not exist[54].

5.6.10 In terms of sustainable development it should be recognised that many small rural diversification proposals providing local services will actually reduce the journey length for users who would otherwise need to travel greater distances to access these services. Small rural diversification schemes can also contribute to the viability of a community by providing a focus for community life and hubs of economic activity.

5.6.11 Diversification activities come in many forms and include both agricultural and non-agricultural activities. Activities could include, for example, livestock and crop processing, non traditional livestock and crop farming, tourism projects, farm shops, and making and selling non agricultural products. Diversification can also include renewable energy proposals such as anaerobic digestion facilities or solar and wind installations, which will help to increase the viability of rural enterprises by reducing their operating costs. These schemes should be supported where there is no detrimental impact on the environment and local amenity.

Energy

5.7 Context

5.7.1 The planning system plays a key role in delivering clean growth and the decarbonisation of energy, as well as being crucial in building resilience to the impacts of climate change. The transition to a low carbon economy not only brings opportunities for clean growth and quality jobs, but also has wider benefits of enhanced places to live and work, with clean air and water and improved health outcomes.

5.7.2 The Environment Act[55] sets a legal target of reducing greenhouse gas emissions by at least 80% by 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and associated carbon budgets for key sectors. The budgets will set limits on the total amount of greenhouse gas emissions emitted in Wales over a 5 year period to serve as stepping stones and ensure progress is made towards the 2050 target.

5.7.3 Climate change is a global challenge, with impacts felt at the local level presenting a significant risk to people, property, infrastructure and natural resources. We need to plan for these impacts, reducing the vulnerability of our natural resources and build an environment which can adapt to climate change. The planning system plays a significant role in managing this risk. Development allowed today will be around for decades to come. The most important decision the planning system makes is to ensure the right developments are built in the right places.

[54] Technical Advice Note 6, Planning for Sustainable Rural Communities, Welsh Assembly Government, 2010 www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den

[55] Environment (Wales) Act 2016 http://www.legislation.gov.uk/anaw/2016/3/contents/enacted

5.7.4 The Welsh Government is committed to delivering the outcomes set out in Energy Wales: A Low Carbon Transition[56]. Our priorities are:

- reducing the amount of energy we use in Wales;
- reducing our reliance on energy generated from fossil fuels; and
- actively managing the transition to a low carbon economy.

5.7.5 These priorities contribute to reducing carbon emissions, as part of our approach to decarbonisation, whilst enhancing the economic, social, environmental and cultural well-being of the people and communities of Wales, in order to achieve a better quality of life for our own and future generations. This means taking precautionary action to prevent Wales being 'locked in' to further fossil fuel extraction and high carbon development. The planning system should facilitate delivery of both this and Welsh, UK and European targets on renewable energy.

5.7.6 Planning applications for onshore generating projects in Wales which have an installed generation capacity of between 10MW and 50MW (there is no upper limit for onshore wind generating stations) are made directly to the Welsh Ministers under the Developments of National Significance (DNS) process.

5.7.7 The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies, to underpin growth and prosperity in Wales, recognising the importance of decarbonisation and the sustainable use of natural resources, both as an economic driver and a commitment to sustainable development.

5.7.8 The benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance. The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. The planning system should:

- integrate development with the provision of additional electricity grid network infrastructure;
- optimise energy storage;
- facilitate the integration of sustainable building design principles in new development;
- optimise the location of new developments to allow for efficient use of resources;
- maximise renewable and low carbon energy generation;
- maximise the use of local energy sources, such as district heating networks;
- minimise the carbon impact of other energy generation; and
- move away from the extraction of energy minerals, the burning of which is carbon intensive.

Electricity Grid Network and Energy Storage

5.7.9 An effective electricity grid network is required to fulfil the Welsh Government's renewable and low carbon ambitions. An integrated approach should be adopted towards planning for energy developments and additional electricity grid network infrastructure. In certain circumstances, additional electricity grid network infrastructure will be needed to support the Strategic Search Areas and other areas identified in development plans.

[56] Energy Wales: A Low Carbon Transition https://gov.wales/topics/environmentcountryside/energy/energywales/?lang=en

5.7.10 The Welsh Government's preferred position on new power lines is that, where possible, they should be laid underground. However, it is recognised that a balanced view must be taken against costs which could render otherwise acceptable projects unviable. Where undergrounding of lines is not possible or applicable, proactive engagement with energy companies and the public to mitigate the visual impact of any potential new transmission lines should take place.

5.7.11 Planning authorities should plan positively for grid infrastructure. Development plans should facilitate the grid infrastructure required to support the renewable and low carbon energy potential for the area, particularly areas identified for such development. Planning authorities should support appropriate grid developments, whether or not the developments to be connected are located within their authority.

5.7.12 Planning authorities and the energy industry, including National Grid and Distribution System Operators, should engage with each other to ensure development plans take grid infrastructure issues into account. This can also ensure investment plans for transmission and distribution align with the identified potential for renewable and low carbon energy.

5.7.13 Energy storage has an important part to play in managing the transition to a low carbon economy. The growth in energy generation from renewable sources requires the management of the resultant intermittency in supply, and energy storage can help balance supply and demand. Proposals for new storage facilities should be supported wherever possible.

Energy Hierarchy for Planning

5.7.14 Welsh Government planning policy recognises an energy hierarchy. The Welsh Government expects all new development to mitigate the causes of climate change in accordance with the energy hierarchy for planning, as set out in the following energy policies. Reducing energy demand and increasing energy efficiency, through the location and design of new development, will assist in meeting energy demand with renewable and low carbon sources. This is particularly important in supporting the electrification of energy use, such as the growing use of electric vehicles. All aspects of the energy hierarchy have their part to play, simultaneously, in helping meet decarbonisation and renewable energy targets.

5.7.15 Planning authorities should consider the energy needs of new development it is considering for its area and assess, with grid operators, if the necessary infrastructure is in place to meet future demand. The local balance of the energy network will be a crucial consideration in this regard, and planning authorities should consider the best places for local renewable energy generation to help improve the resilience of the grid in the future.

Figure 9: The Energy Hierarchy for Planning

Renewable Energy Targets

5.7.16 The Welsh Government has set targets for the generation of renewable energy:

- for Wales to generate 70% of its electricity consumption from renewable energy by 2030;
- for one Gigawatt of renewable electricity capacity in Wales to be locally owned by 2030; and
- for new renewable energy projects to have at least an element of local ownership by 2020.

5.7.17 The planning system has an active role to help ensure the delivery of these targets, in terms of new renewable energy generating capacity and the promotion of energy efficiency measures in buildings.

5.7.18 To assist in the achievement of these targets, local authorities must take an active, leadership approach at the local or regional level, by identifying challenging, but achievable targets for renewable energy in development plans. In order to identify a measurable target, which can be assessed and monitored, it should be expressed as an absolute energy installed capacity figure. This should be calculated from the resource potential of the area and should not relate to a local need for energy.

5.7.19 Planning authorities should consider the renewable energy resource they have available in their areas when formulating their renewable energy target, informed by an appropriate evidence base, and use the full range of policy options available, including developing spatial policies in their development plans. Targets must not be seen as maximum limits, but rather used as a tool to maximise available resource, and where proposals exceed the target they should not be refused.

5.8 Reduce Energy Demand and Use of Energy Efficiency

Sustainable Buildings

5.8.1 The planning system should support new development that has very high energy performance, supports decarbonisation, tackles the causes of climate change, and adapts to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures.

5.8.2 The Welsh Government's policy is to secure zero carbon buildings while continuing to promote a range of low and zero carbon technologies as a means to achieve this.

5.8.3 Sustainable building design principles should be integral to the design of new development. Development proposals should:

- mitigate the causes of climate change, by minimising carbon and other greenhouse gas emissions associated with the development's location, design, construction, use and eventual demolition; and
- include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.

5.8.4 Planning authorities should assess strategic sites to identify opportunities to require higher sustainable building standards, including zero carbon, in their development plan. In bringing forward standards higher than the national minimum, which is set out in Building Regulations, planning authorities should ensure the proposed approach is based on robust evidence and has taken into account the economic viability of the scheme.

5.8.5 TAN 12: Design[57] and Practice Guidance: Planning for Sustainable Buildings[58] provide guidance on sustainable building design. Design and Access Statements should show how sustainable building design principles have been considered in the design process[59].

5.8.6 Developers should take into account future requirements for carbon reduction in new buildings, as a result of changes to Building Regulations in Wales, when designing their schemes. Being mindful of any future changes will ensure design aspects of requirements are considered as early as possible.

5.9 Renewable and Low Carbon Energy

5.9.1 Planning authorities should facilitate all forms of renewable and low carbon energy development. In doing so, planning authorities should seek to ensure their area's full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved.

5.9.2 Planning authorities must develop an evidence base to inform the development of renewable and low carbon energy policies. Planning authorities should:

- take into account the contribution their area can make towards the reduction of carbon emission and increasing renewable and low carbon energy production;
- recognise that approaches for the deployment of renewable and low carbon energy technologies will vary;
- identify the accessible and deliverable renewable energy resource potential for their area, including heat, and consider the likely utilisation of this resource over the plan period;
- assess the social, economic, environmental and cultural impacts and opportunities arising from renewable and low carbon energy development;
- take into account the cumulative impact of renewable and low carbon energy development and their associated infrastructure, for example grid connections;
- identify criteria for determining applications for sites based on their installed capacity;
- engage with the renewable energy development industry and consider the deliverability of schemes;

[57] TAN12: Design https://gov.wales/topics/planning/policy/tans/tan12/?lang=en
[58] Practice Guidance: Planning for Sustainable Buildings https://beta.gov.wales/planning-sustainable-buildings-guidance
[59] Design and Access Statements in Wales https://beta.gov.wales/planning-applications-guidance-design-and-access-statements-das

- take into account issues associated with grid connection (see Grid Infrastructure section) and the transportation network; and
- consider local and strategic priorities for renewable energy.

5.9.3 Welsh Government Practice Guidance: Planning for Renewable and Low Carbon Energy – A Toolkit for Planners[60] provides guidance on how an evidence base can be developed. It includes guidance on developing a Renewable Energy Assessment, Energy Opportunities Plan and Strategic Sites Assessment, and how this can be translated into planning policies. However, this suggested approach should be adapted to local circumstances to enable renewable energy opportunities to be maximised, and methodological assumptions should not be used to constrain the identified resource. Innovation is encouraged and planning authorities should develop an evidence base and policies appropriate to their area. There may also be benefits to planning authorities working together on a regional basis.

5.9.4 Planning authorities should ensure development plan policies are supportive of renewable and low carbon energy development in all parts of Wales, direct developments to the right locations and set out clearly the local criteria against which proposals will be evaluated.

Local Energy Generation

5.9.5 The Welsh Government encourages the use of local renewable and low carbon energy as part of the imperative to reduce carbon emissions. Renewable and low carbon energy developments offer significant potential for communities and small businesses to develop their own projects for local benefit.

5.9.6 Planning authorities should plan positively for the use of locally generated electricity and heat to help meet the national target of one Gigawatt by 2030. They should develop policies and proposals which:

- facilitate the co-location of major developments to enable the use of local heat opportunities;
- facilitate the linking of renewable and low carbon energy with major new development and high energy users;
- maximise the use of waste heat;
- promote district heating; and
- promote Combined Heat and Power schemes.

5.9.7 Planning authorities should use their evidence base to inform policies and proposals for local energy. Development plans should support identified opportunities for district heating, local renewable and low carbon energy generation schemes, and the co-location of new proposals and land allocations with existing developments, heat suppliers and heat users.

Locational Policies for Renewable and Low Carbon Energy Development

5.9.8 Planning authorities should support and guide renewable and low carbon energy development to ensure their area's potential is maximised. Planning authorities should assess the opportunities for renewable and low carbon energy in the area, and use this evidence to establish spatial policies in their development plan which identify the most appropriate locations for development. There should be a presumption in favour of development in identified areas, including an acceptance of landscape change, with clear criteria-based policies setting out detailed locational issues to be considered at the planning application stage.

[60] Practice Guidance: Planning for Renewable and Low Carbon Energy – A Toolkit for Planners https://beta.gov.wales/local-development-plans-guidance-renewable-and-low-carbon-energy

5.9.9 Outside identified areas, planning applications for renewable and low carbon energy developments should be determined based on the merits of the individual proposal. The local need for a particular scheme is not a material consideration, as energy generation is of national significance and there is a recognised need to optimise renewable and low carbon energy generation. Planning authorities should seek to ensure their area's renewable and low carbon energy potential is achieved and have policies with the criteria against which planning applications outside of identified areas will be determined.

Large Scale Wind Energy Development

5.9.10 Wales has an abundant wind resource and, as a result, wind energy forms a key part of meeting the Welsh Government's vision for future renewable energy production.

5.9.11 The Welsh Government has identified Strategic Search Areas (SSAs) which, on the basis of substantial empirical research, are considered the most appropriate locations for large scale on-shore wind farm development (over 25MW). The detailed characteristics of SSAs and the methodology used to define them are outlined in Technical Advice Note 8: Planning for Renewable Energy[61].

5.9.12 The Welsh Government accepts the introduction of new, often very large structures for on-shore wind needs careful consideration to avoid and, where possible, minimise their impact. The SSAs are the most appropriate locations for large scale wind farm development. Large scale wind energy developments in these areas will be required to contribute to Welsh, UK and European renewable energy targets, mitigate climate change, and deliver energy security.

5.9.13 Within and immediately adjacent to the SSAs, there should be implicit acceptance that there will be significant change in landscape character from wind turbine development. Whilst cumulative impact may be a material consideration, it must be balanced against the need to meet the Welsh Government's aspirations for energy in Wales and the conclusions reached fully justified in any decisions taken. Developers will need to be sensitive to local circumstances, including siting and design in relation to local landform, proximity to dwellings and other planning considerations.

5.9.14 The development of large wind farms or other large scale renewable and low carbon energy schemes will not generally be appropriate in internationally or nationally designated areas and sites.

5.9.15 Development plans should, where relevant, provide policies to clarify where in the SSAs large scale wind energy developments are likely to be permitted. For example, by identifying local micro-siting criteria or identifying specific preferred locations. The SSA boundaries have been drawn to allow for some local refinement, however, in defining such locations or criteria, it will be important to ensure that they do not differ significantly, without local evidence, from the indicative boundaries of the SSAs set out in TAN 8. Development plans which include SSAs must contain clear policies about where and how much development will be permitted.

Development Management and Renewable and Low Carbon Energy

5.9.16 In determining applications for the range of renewable and low carbon energy technologies, planning authorities should take into account:

- the contribution a proposal will make to meeting identified Welsh, UK and European targets;

[61] Technical Advice Note 8: Planning for Renewable Energy https://gov.wales/topics/planning/policy/tans/tan8/?lang=en

- the contribution to cutting greenhouse gas emissions; and
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development.

5.9.17 Planning authorities should give significant weight to the Welsh Government's targets to increase renewable and low carbon energy generation, as part of our overall approach to tackling climate change and increasing energy security. In circumstances where protected landscape, biodiversity and historical designations and buildings are considered in the decision making process, only the direct irreversible impacts on statutorily protected sites and buildings and their settings (where appropriate) should be considered. In all cases, considerable weight should be attached to the need to produce more energy from renewable and low carbon sources, in order for Wales to meet its carbon and renewable targets.

5.9.18 Planning authorities should also identify and require suitable ways to avoid, mitigate or compensate adverse impacts of renewable and low carbon energy development. The construction, operation, decommissioning, remediation and aftercare of proposals should take into account:

- the need to minimise impacts on local communities, such as from noise and air pollution, to safeguard quality of life for existing and future generations;
- the impact on the natural and historic environment;
- cumulative impact;

- the capacity of, and effects on the transportation network;
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so, consider whether measures to adapt to climate change impacts give rise to additional impacts.

5.9.19 Prior to an application being submitted, developers for renewable and low carbon energy developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures.

Local Involvement and Community Benefit

5.9.20 The Welsh Government supports renewable and low carbon energy projects which are developed by communities, or benefit the host community or Wales as a whole. The social, environmental and economic (including job creation) benefits associated with any development should be fully factored into, and given weight in the decision making process. However, planning decisions must be based on an assessment of the impacts of the proposed development, irrespective of who the applicant is.

5.9.21 Planning authorities should recognise that community groups, and organisations who seek to promote renewable energy projects, may require particular assistance in navigating their way through the planning system. Planning authorities should be as accommodating as possible when dealing with these projects.

5.9.22 The Welsh Government supports commercial developers working together with community based organisations to take forward projects on a shared ownership basis. We also support the principle of securing financial contributions for host communities through voluntary arrangements. Such arrangements must not impact on the decision making process and should not be treated as a material consideration, unless it meets the tests set out in Circular 13/97: Planning Obligations[62].

Re-powering, Life Extension, Decommissioning and Remediation

5.9.23 The extension and re-powering of existing renewable energy infrastructure is important in meeting renewable energy and decarbonisation targets. Planning authorities should support such schemes and take into account changes in renewable energy technology and viability, which may mean, for example, that the format of a repowered wind farm will be different from an existing scheme. Planning authorities should set out broad criteria for the determination of life extension and re-powering applications, based on the additional impact of the new scheme.

5.9.24 Energy-related developments should be decommissioned and sites remediated as soon as their use ceases. Planning authorities should use planning conditions or legal agreements to secure the decommissioning of developments and associated infrastructure, and remediation of the site.

5.10 Energy Minerals

5.10.1 The demand for energy minerals has been largely based on power generation. The Welsh Government has set climate change targets for the reduction of greenhouse gas emissions and promoting decarbonisation. At the UK level coal powered generation is being phased out. This means moving away from the extraction of fossil fuel for use in energy generation. In the planning energy hierarchy, the extraction of minerals for the purpose of generating energy is undesirable as it is the most carbon intensive form of production. The purpose of this hierarchy is to encourage preferred generation proposals to come forward and to discourage proposals supported by the extraction of fossil fuels.

Onshore Oil and Gas

5.10.2 The extraction of gas and oil whether by conventional or unconventional methods is classed as mineral development and onshore activities under relevant oil and gas licences must be carried out in accordance with the requirements of planning permission[63].

5.10.3 Several licences have been issued in Wales but no significant oil and gas production has been undertaken. Unconventional oil and gas proposals for coalbed methane, shale gas and underground coal gasification are subject to Notification Directions requiring that all such development proposals be referred to the Welsh Government for consideration should the planning authority be minded to approve the application.

Stages of Onshore Oil and Gas Development

5.10.4 The general stages relating to onshore oil and gas development are:

- exploration using seismic surveys to provide information about geological structures and exploratory drilling to verify the presence or absence of oil or gas reserves;
- appraising the assessment of exploration prospects using extended

[62] Circular 13/97: Planning Obligations https://gov.wales/topics/planning/policy/circulars/welshofficecirculars/circular1397/?lang=en

[63] Licence system brought into effect in 1995 introduced a single licence, the Petroleum Exploration and Development Licence (PEDL), covering exploration, appraisal and developmental activity for petroleum, whilst underground coal gasification is covered by Coal Authority licensing.

well tests and additional drilling to determine if reservoir development is economically feasible;

- development and production through the development of field infrastructure and the production of hydrocarbons from the reservoir until economically feasible reserves are depleted; and
- decommissioning, restoration and aftercare refer to operations for the abandonment of wells, the removal of surface installations and the restoration of the site.

5.10.5 A planning authority would typically receive three separate planning applications for onshore oil and gas development. The initial planning application would be for exploration, followed by a new planning application for development and production and finally a third planning application would be submitted for decommissioning, restoration and aftercare. The appraisal of a site is a licence stage but would not normally be a separate planning stage. Decommissioning and restoration would apply to each stage, should the operator not wish to move forward with well production.

5.10.6 Each stage generates impacts both on the surface and underground and will involve different processes, timescales, equipment, and vehicle movements. Therefore it is necessary to consider all these matters anew for each planning application submitted. It does not follow that just because it has been appropriate to grant planning permission to explore for the resource it would necessarily be appropriate to allow commercial extraction in the same location. Each planning application for any stage of development should be determined on its own merits[64].

Onshore Oil and Gas Resources

5.10.7 Coalbed methane extraction equipment is similar to that for conventional gas reservoirs but coalbed methane is more difficult to extract, particularly from virgin coal seams, because of the low permeability of coal. The most common method of extracting coalbed methane is by pumping water from the seam. Dewatering the seam lowers pressure allowing methane to flow out of the pores and fractures in the seam. Hydraulic fracturing is another process used to enhance the recovery of gas from coal seams.

5.10.8 Other types of unconventional gas from coal include abandoned mine methane (drilling into abandoned mine workings to collect methane), coal mine methane (collecting the methane gas released during mining operations) and underground coal gasification (producing methane gas by partially combusting underground coal seams). While some of these methods are operational, underground coal gasification is an unproven method of gas extraction.

5.10.9 Shale oil and gas is trapped in the pore spaces and fractures within shale rock. It is more difficult to extract than oil or gas from conventional reservoirs because of the low permeability of the shale source rock. As a result, a combination of horizontal drilling and hydraulic fracturing techniques are used.

Unconventional Extraction of Onshore Oil and Gas

5.10.10 There are particular environmental and technical considerations associated with unconventional extraction including:

- the total estimated lifespan of a site can be up to 20-30 years depending on whether the site is suitable for production;
- the production phase of an individual well typically lasts around 15 years.

[64] A Regulatory Roadmap, which identifies all the regulatory processes that an operator will need to satisfy before drilling for unconventional gas and oil, has been produced by the Welsh Government and the Office for Unconventional Oil and Gas.

While shale gas wells, for example, have a long life, output drops to about 10% of initial production after about 5 years. The pad would remain in place, alongside some small pieces of surface infrastructure and equipment;

- if a site is suitable for production, extraction usually entails many more wells than conventional gas with accompanying site activity and will take more land space than conventional gas;
- after around two years, the major on-site activity would cease and would be replaced by routine maintenance. The primary activities at a site would then be maintenance and movement of goods from the site, although further wells may be drilled;
- extraction involves the use of horizontal as well as vertical drilling methods;
- the use of hydraulic fracturing fluid, which is primarily composed of water, but with the addition of sand as a proppant to keep the fractures open and the addition of chemicals to improve the efficiency of the process;
- the disposal of water produced during well stimulation and gas production which may vary in contamination; and
- potential adverse effects on subsurface resources such as groundwater.

Planning Proposals for Onshore Oil and Gas

5.10.11 The Welsh Government has set challenging targets for decarbonisation and increased renewable energy generation. The continued extraction of all fossil fuels, including shale gas, coal bed methane and underground coal gasification, are not compatible with those targets. The Welsh Government's policy objective is therefore to avoid the continued extraction and consumption of fossil fuels. When proposing the extraction of on-shore oil and gas, robust and credible evidence will need to be provided to the effect that proposals conform to the energy hierarchy, including how they make a necessary contribution towards decarbonising the energy system. In all other respects, minerals policies aimed at preventing and limiting the environmental impacts of extraction and ensuring restoration will apply.

5.10.12 In Wales, there is limited information about the resources that are likely to be commercially viable for extraction and comprehensive data is required to provide robust baseline information against which any applications could be considered. As part of a precautionary approach, a comprehensive and robust examination of any proposals for onshore oil and gas should be made before determining planning applications and any relevant policies for minerals development which seek to protect amenity and the environment should be considered.

Coal

5.10.13 It is part of UK and Welsh Government energy policy to remove coal from energy generation. Current UK Government plans seek to phase out coal fired generation by 2025 and in Wales demanding targets to limit carbon emissions are enshrined in the Environment Act. Coal extraction has reduced to a level where there are relatively few active opencast coal sites[65] operating in Wales. Continued demand for local coal is uncertain, both in terms of the increased use of imports and challenging abatement requirements.

[65] Opencast coal working is used here in its generic sense to cover all surface coal working.

5.10.14 Proposals for opencast, deep-mine development or colliery spoil disposal should not be permitted. Should, in wholly exceptional circumstances, proposals be put forward they would clearly need to demonstrate why they are needed in the context of climate change emissions reductions targets and for reasons of national energy security.

5.10.15 In wholly exceptional circumstances, there may be some public safety benefit in coal extraction where, for example, historic coal mining has created land instability. Further consideration to physical ground conditions and land instability is contained in Chapter 6. Further advice is contained in MTAN 2 Coal[66].

5.10.16 A Health Impact Assessment should be provided to accompany any application for opencast coal working. If the planning authority decides that an applicant has failed to provide adequate information on health impacts, it should not process and proceed to determine the application without that information. Where an application for opencast coal working is EIA development, for the purposes of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, and coal working is likely to have a significant effect on human health, the Heath Impact Assessment may serve to inform the Environmental Statement.

5.10.17 The safeguarding of primary coal resources is not required. However, planning authorities, with the exception of National Parks, may wish to safeguard primary coal resources depending on their individual circumstances. Should this be the case, then they would need to include appropriate policies, including those relating to pre-extraction, in their development plans. Planning authorities should not need to indicate areas where coal operations would not be acceptable.

Making Best Use of Material Resources and Promoting the Circular Economy

5.11 Context

5.11.1 Placemaking embraces the inter-relationships between the built and natural environment. Choices about the use of material resources should be based on making the most appropriate and sustainable use of finite resources and promoting the principles of a circular economy.

5.11.2 A circular economy is one which aims to keep materials, products and components in use for as long as possible. There are environmental, social and economic benefits of taking such an approach, most notably the increased value and productivity of materials, financial savings for the construction sector and the prevention of waste. Through the adoption of circular economy principles, cost savings attributed to the waste hierarchy and effective waste management of over 2% of the project budget are possible.[67]

5.11.3 The principles of the circular economy represent a move away from the current linear model of make, use, dispose, towards the reuse, repair and recycle of wastes which arise during development. The planning system facilitates materials recycling through advocating the use of secondary aggregates in construction but circular economy principles should underpin all developments.

5.11.4 Promoting the most appropriate material available should prevent the depletion of non-renewable resources and prevent waste arising. This will involve encouraging the use of renewable resources or those with low embodied energy and promoting the use of recycled and secondary materials where they are suitable and available. The use

[66] https://gov.wales/topics/planning/policy/mineralstans/2877461/?lang=en
[67] Closing the Circle, Circular economy: Opportunity for the welsh built environment http://www.cewales.org.uk/files/1714/9372/0995/Closing_the_circle_Circular_economy_Opportunity_for_the_welsh_built_environment_Summary.pdf

of locally sourced materials can lead to emissions reductions from transport and will also support aspirations to protect and enhance local distinctiveness. Whichever material is chosen it should be used to best effect by encouraging efficiency of use, where this means both using fewer resources in the first place and preventing the creation of waste which cannot be effectively reused.

5.11.5 These preferences should be taken into account when preparing development plans and when proposing development and taking planning decisions and be considered alongside other policies relating to ensuring the supply of materials which society needs, including primary minerals. This will help to ensure the availability of materials in the long term.

5.11.6 The materials or resources needed and made available by development, and those it may generate, should be considered at an early stage in the planning process to assist in ensuring cost effective construction. Time spent at the design stage is a vital means of making effective use of resources and securing multiple benefits, such as economic prosperity, the resilience of ecosystems, fulfilling social aspirations and protecting the amenity and health of communities.

5.11.7 Understanding and identifying the specific characteristics of a circular economy as far as this relates to planning will include early consideration in the preparation of development plans and when designing development proposals of the following:

- promoting the use of existing buildings wherever possible;
- designing out waste by using materials which are or can be remanufactured, refurbished, dissassembled and recycled or can be deconstructed and reused;
- designing out waste through appropriate site selection and treatment;
- encouraging a more adaptable and durable approach to building design using design choices which mean buildings are adaptable during their lifetime (as well as at the end of their use);
- designing in reused materials and elements, such as recycled and secondary materials; and
- recognising synergies and the multiple economic, environmental, social and cultural benefits which can be gained through appropriate materials choices.

5.12 Design Choices to Prevent Waste

5.12.1 Promoting the best choice of materials and efficiency of use will often go hand in hand. The use of fewer resources in the first place will help to avoid the creation of waste which cannot be effectively reused and waste prevention is key to the efficiency use of natural resources[68]. Opportunities to reduce or recycle waste as part of the design, construction and operation of new buildings should be identified when proposing plan strategies and policies, including any specific allocations, and at an early stage when designing development proposals.

5.12.2 Planning authorities should consider both design choices and site selection and treatment as part of assessing development proposals and encourage a shift towards embedding circularity in the flow of materials. Measures which prevent waste arising include reducing the quantity of wastes produced, the reuse of products, extension of the lifespan of products and considering

[68] Construction Excellence in Wales research has demonstrated that, on average, savings of 2% project costs can be achieved by consideration of prevention, reduction and reuse of resources and waste.

how materials within a site can be incorporated into new development. Where waste is produced it should be kept separate for reuse or recycling. All opportunities should be explored to incorporate re-used or recyclable materials or products into new buildings or structures.

Materials Balance on Site

5.12.3 Construction sites inevitably require a degree of cut and fill engineering operations. Minimising the level of earthwork cut and fill volumes not only reduces waste but also protects soils, reduces energy consumption and reduces transport movements to and from a site. Ultimately it also reduces materials being sent to landfill and makes sustainable use of a finite resource. Such measures will need to be carefully considered against overall visual impacts.

5.12.4 As part of site treatment, the cut and fill balance of materials excavated should be assessed so as to avoid the creation of waste which cannot be effectively re-used due to lack of suitable storage facilities, such as 'urban quarries', and re-processing facilities. Developers should design proposals to achieve an earthwork balance by submitting a natural material management plan as part of development proposals which seeks to minimise cut and fill or which may provide for remediation of land elsewhere in the area. There may be significant cost reductions in material costs, reduction in disposal costs and significant reduction in vehicle movements associated with incorporating such considerations into the design of proposals and following this through with careful pre-operational planning.

Adaptable Design Choices

5.12.5 When identifying the design characteristics of a circular economy it is useful to consider that the product is the building or infrastructure asset and the components are the things which comprise it, namely the construction materials. When an asset is refurbished or no longer required it can be dismantled and its components, bricks, blocks, concrete can be seen as raw materials for reclamation and reuse or recycled, with zero landfill. Development proposals should incorporate design features and materials which enable flexibility and adaptability throughout the design life of a building and which enable re-use upon deconstruction.

Design in Locally Sourced, Alternative or Recycled Materials

5.12.6 Industrial by-products have been used for many years to produce secondary aggregates so as to conserve primary resources[69]. The reuse and recycling of material available locally should be encouraged in line with the proximity principle. Where appropriate, development plans should encourage the reuse and recycling of secondary aggregates, construction, demolition and excavation waste, incinerator bottom ash and other appropriate recycled materials.

5.12.7 Slag from steel making, material from colliery shale, ash from power stations and slate waste can be processed and used in construction in place of other minerals and form about 10% of total aggregate supply. The use of these materials could contribute further to the overall supply of aggregates. Road planings and construction and demolition waste are a significant potential source of alternative aggregate material and much of this is already re-used as part of on-site treatment and

[69] Occurrence and Utilisation of Mineral and Construction Wastes (DoE – Arup Economics), 1991; Slate Waste Tips and Workings in Britain (DoE – Richards, Moorehead and Laing), HMSO, 1995

redevelopment proposals[70]. Research has identified key factors that tend to constrain re-use, including insufficient recycling facilities[71] and unnecessarily high specifications for roads.

5.12.8 Planning authorities should encourage innovative approaches to recycling, particularly those which bring multiple benefits such as reducing energy costs and associated emissions. This may include encouraging the practice of on-site recycling on minerals sites, taking proper account of all likely costs and benefits, support for 'urban quarries' and the recycling of construction and demolition waste in conjunction with other suitable uses, such as within builder's merchant yards.

5.12.9 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design and, where appropriate, layout of any development as well as waste prevention measures at the design, construction and demolition stage[72].

5.13 Sustainable Waste Management Facilities

5.13.1 The planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:

- minimising adverse environmental impacts and avoiding risks to human health;
- protecting areas of designated landscape and nature conservation from inappropriate development; and
- protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.

5.13.2 The benefits which can be derived from proposals for waste management facilities as well as the impact of proposals on the amenity of local people and the natural and built environment must be adequately assessed to determine whether a planning application is acceptable. If adverse impacts on amenity or the environment cannot be mitigated, planning permission should be refused.

5.13.3 Planning authorities, other relevant local authority departments and Natural Resources Wales (NRW) must work closely together to ensure that conditions attached to planning permissions and those attached to Environmental Permits are complementary and do not duplicate one another. Sufficient information should accompany development proposals in order for planning authorities to be satisfied that proposals are capable of effective regulation. NRW should assist the planning authority in establishing this position through the provision of appropriate advice. The parallel tracking of planning and environmental permitting applications should be the preferred approach, particularly where proposals are complex, so as to assist in mitigating delays, refusal of applications or conditions which may duplicate the permit/licence.

[70] Use of Waste and Recycled Materials as Aggregates (DoE – Building Research Establishment), 1995

[71] Aggregates in Construction – Current Practice, Scope for Substitution and Intensity of Use (DoE – Ecotec Research), 1995; Managing Demolition and Construction Waste (DoE – Howard Humphreys), 1994

[72] A Site Waste Management Plan (SWMP) is a plan to help clients, developers and contractors in the construction and demolition sector think before the start of a project about the waste that will be produced, how to reduce the waste and plan to sustainably manage waste that does arise.

Figure 10: Waste Hierarchy

5.13.4 The Welsh Government's policy for waste management is contained in Towards Zero Waste and associated sector plans[73]. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy (see Figure 10) as far as possible.

5.13.5 The waste hierarchy provides the key starting point for all types of waste management proposals. However, consideration of the hierarchy should be set against the wider social, economic, environmental and cultural factors which are relevant in any given case. Waste prevention and approaches towards encouraging reuse and recycling should be considered at an early stage as part of materials choices and design.

5.13.6 NRW has a statutory role in relation to the management and regulation of waste and the collection of waste production and management data. It has a key role in providing expert advice to planning authorities as part of development plan preparation and as a consultee on certain planning applications. This role is important in assisting planning authorities in evaluating complex waste information and making technical judgments, where necessary.

Waste Facilities/Infrastructure

5.13.7 The Collections, Infrastructure and Markets (CIM) Sector Plan describes the waste management framework to provide the best solutions to meet social, economic and environmental needs to 2050[74]. It indicates a move towards the reduction of disposal and recovery options for treating waste in favour of high volume source segregated collection followed by reprocessing as well as preparation for re-use and prevention.

[73] Towards Zero Waste – One Wales: One Planet, Welsh Assembly Government 2010 www.gov.wales/topics/environmentcountryside/epq/waste_recycling/zerowaste/?lang=en

[74] Collections, Infrastructure and Markets Sector Plan, Welsh Government 2012 https://gov.wales/topics/environmentcountryside/epq/waste_recycling/publication/cimsectorplan/?lang=en

Waste Assessments and Monitoring

5.13.8 Development plans should demonstrate how national waste policy, and in particular the CIM Sector Plan, along with any updated position adopted in the waste planning monitoring reports and any other form of waste management priorities relevant to its local area have been taken into account. NRW will contribute to the development and implementation of waste monitoring through the provision of data and expertise.

5.13.9 This does not mean that the waste assessments contained within the CIM Sector Plan will have to be repeated by planning authorities at a regional or local level. However, to support the waste hierarchy it will be important that planning authorities at the very least monitor progress towards the provision of an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste and similar wastes from commercial and industrial sectors as well as private households[75]. For this reason, regional monitoring arrangements are in place to ensure an up to date position is available to inform decision making. Further detail can be found in Technical Advice Note 21: Waste.

Provision of Wide-ranging and Diverse Waste Infrastructure

5.13.10 Planning authorities must support the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy. The extent to which a proposal demonstrates a contribution to the waste management objectives, policy, targets and assessments contained in national waste policy will be a material planning consideration.

5.13.11 The 'Nearest Appropriate Installation' concept and the principle of self-sufficiency will only be applicable in relation to wastes covered by Article 16 of the revised Waste Framework Directive[76] and should guide the provision of an integrated and adequate network for the treatment of such wastes. The network should include all necessary supporting facilities such as waste transfer stations and processing facilities.

5.13.12 For all wastes, suitable locations for sustainable waste management development should be identified in development plans as well as criteria by which applications for such developments will be determined, recognising that the most appropriate locations will be those with the least adverse impact on the local population and the environment and with the best potential to contribute to a broad infrastructure framework. Collaboration and joint working may be necessary to respond strategically to the requirement identified as part of waste monitoring. Individual authorities should not, however, exclude provision for waste or other potentially polluting projects or prohibit all applications to set them up. They should make realistic provision for certain types of industry or facility that may be detrimental to amenity or conservation interests, or a potential source of pollution. Effective engagement with the waste management industry and local authority waste managers and corsortia will be a necessary component of waste planning.

[75] Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, Article 16(1) www.europa.eu/legislation_summaries/ environment/waste_management/ev0010_en.htm

[76] Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives. Wastes covered by Article 16 are mixed municipal wastes and include those mixed wastes collected by third parties from commercial and industrial sectors as well as private households www.europa.eu/legislation_summaries/environment/ waste_management/ev0010_en.htm

Making it Easier to Reuse and Recycle Materials

5.13.13 There is likely to be a significant change in the nature and type of infrastructure needed to support a transition towards circularity of materials. Facilities will need to support high efficiency and high quality reuse and recycling, for example collection hubs will be necessary to support the returning of materials to the point of manufacture. The waste management industry will need to position itself to optimally manage material flows and on-going collaboration between it, planning authorities and other relevant stakeholders will be necessary.

5.13.14 As part of development plan preparation planning authorities should encourage the recycling and re-use of construction and demolition wastes as well as mineral and industrial wastes. Every planning authority should, either independently or with its neighbours, make provision for storage and processing of inert materials arising from construction, demolition and maintenance operations by the identification of preferred locations for recycling facilities in development plans. On the rare occasion, where suitable sites cannot be identified in development plans, then clear criteria should be set out to assess planning applications for recycling sites.

5.13.15 Proposals aimed at preparation for reuse and reuse facilities should be supported by planning authorities, taking into account factors associated with the deposit and collection of goods, the nature of the repairs, maintenance and treatment, the need to ensure satisfactory transport and accessibility for the deposit and collection of goods and any potential environmental and amenity implications.

5.14 Minerals

5.14.1 Society needs, and will continue to need for the foreseeable future, a wide range of minerals. Minerals are the principal constituents of most construction products, many pharmaceutical, chemical, agricultural, automotive, metallurgical, electronics, aerospace, plastics ceramic and paper products. Construction related minerals and mineral products are particularly important in Wales and are essential for housing and infrastructure, such as schools, roads, railways, airports and flood defences and a steady and adequate supply of materials is necessary.

5.14.2 The role of the planning authority in relation to mineral extraction is to balance the fundamental requirement to ensure the adequate supply of minerals with the protection of amenity and the environment. The key principles are to:

- provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high quality materials;
- protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;
- reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and
- achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities,

heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.

5.14.3 In certain areas, mineral extraction may not be acceptable. For example, where a proposal for mineral extraction would cause demonstrable harm to the environment, including designated sites, or amenity, which cannot be overcome by planning conditions or agreements, planning permission should not be granted.

5.14.4 For planning purposes mineral extraction and related development includes all minerals and substances in, on or under land extracted either by underground or surface working[77]. Mineral working is different from other forms of development in that:

- extraction can only take place where the mineral is found to occur;
- it is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time; and
- when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife.

Efficient Use of Minerals

5.14.5 Although there are large resources of useful minerals in Wales, it is important to ensure that they are not wasted and that they are used efficiently and for the purpose(s) specified in the planning permission, although flexibility may be necessary in some circumstances.

5.14.6 In some exceptional cases, planning permission may have been granted because of UK or regional need for the mineral in areas which would not normally be suitable for mineral extraction because of environmental or policy objections. If this is the case, it is essential that the mineral is not exploited for a lower grade purpose than that originally intended. Where it is an exception to normal policy to allow mineral extraction at a particular location in order to fulfil a specific need, appropriate conditions and/or time limits should be considered carefully to ensure that the mineral extraction for the intended end-use is adequately controlled. Such controls would be particularly appropriate in National Parks, Areas of Outstanding Natural Beauty, Special Protection Areas, Special Areas of Conservation and Ramsar Sites, but may be applicable elsewhere, for example World Heritage Sites or registered historic landscapes or non-statutory nature conservation designations. The method of extraction and processing to prevent waste production should be taken into account in determining planning proposals.

Safeguarding Mineral Resources and Infrastructure

5.14.7 It is important that access to mineral resources, including secondary, recycled and marine dredged materials, which society may need, as well as the minerals related infrastructure to deliver this need, is safeguarded in order to prevent sterilisation by other forms of permanent development. Planning authorities should consider the long term and the need for preventative action to avoid the creation of problems in the future. Safeguarding does not indicate an acceptance of mineral working, but that the location and quality of the mineral is known and that the environmental constraints associated with extraction, including the potential for extraction of mineral resources prior to undertaking other forms of development, have been considered.[78]

[77] Section 336, Town and Country Planning Act 1990

[78] Letter to 'Chief Planning Officers',14/11/12: Publication of Aggregates Safeguarding Maps www.gov.wales/topics/planning/policy/dear-cpo-letters/aggregatessafeguardingmap/?lang= en; BGS Mapping – www.bgs.ac.uk/mineralsuk/planning/resource.html

5.14.8 The importance of the mineral resource or infrastructure required to support minerals development, such as existing or planned wharves, railheads, associated processing facilities and batching plants, relative to the need for non-minerals development should be given careful consideration so as to avoid the loss of infrastructure and resources which may be needed over the long term.

5.14.9 Using the National Minerals Resource Maps and the National Aggregates Safeguarding Maps for Wales, areas to be safeguarded should be identified on proposals maps and policies should protect potential mineral resources from other types of permanent development which would either sterilise them or hinder extraction, or which may hinder extraction in the future as technology changes. Development plans should promote the integration and co-ordination of transport and land use planning for minerals production, including the preference for non-road transport and provision of adequate storage and processing facilities for minerals at wharves and railheads.

Ensuring Supply

5.14.10 Ensuring the sustainable supply of minerals is a strategic issue which plays a fundamental underpinning role in supporting non-minerals development. Each mineral planning authority should ensure that it makes an appropriate contribution to meeting local, regional and UK needs for primary minerals which reflects the nature and extent of resources in the area and their best and most appropriate use, subject to relevant environmental and other planning considerations. For aggregates this should be done under the aegis of the North and South Wales Regional Aggregates Working Parties, whose role is to provide a regional overview of supply and demand and through the framework provided by the Regional Technical Statements for Aggregates.

5.14.11 The contribution that a resource could make to UK demand where the mineral is of limited or restricted supply or regional demand must be taken into account when taking planning decisions. Seeking to meet only local needs or ruling out all forms of mineral working within an area will only rarely be acceptable on the basis of significant adverse environmental impacts. As far as practicable, areas of future working should be identified in development plans, where this can be undertaken in a sustainable way. There will be locally realised benefits from minerals development, such as employment in rural areas, which will also need to be balanced against the other key principles outlined in paragraph 5.14.2.

5.14.12 The contribution of recycled waste materials and secondary aggregates should be taken into account where these can be used satisfactorily and realistically instead of primary land-won minerals, as well as the use of marine-dredged materials where this can be obtained in a sustainable way. However, these sources must not be relied upon to justify failing to adequately assess the potential supply of land-based resources and to safeguard potential primary land-won mineral resources for future generations.

Assessing Supply and Demand

5.14.13 Development plans should set out the broad strategy for mineral working and related development and as far as practicable, areas for future working should be identified, where this can be undertaken in a sustainable way. Such a strategy should outline the expectation of the planning authority with regard to the manner in which the existing mineral sites are operating both now and in the future.

5.14.14 Development plans should assess with regard to local, regional and national considerations, the significance of all types of mineral working in their area

including the need, distribution and production of each type of mineral and of the reserves for which planning permission has been granted. It is essential to have a comprehensive and up-to-date set of information to facilitate future sustainable planning for mineral extraction.

5.14.15 An examination of landbanks for aggregates should be undertaken to highlight any shortfalls and to ensure productive capacity is maintained. A land-bank is a stock of planning permissions which usually relates to the extraction of non-energy minerals and provides for continuity of production in spite of fluctuations in demand. For the purposes of commercial stability, the aggregates industry requires a proven and viable landbank. Planning authorities should include policies in their development plans for the maintenance throughout the plan period of land-banks for non-energy minerals which are currently in demand. This must be adequate but not excessive[79]. A minimum ten year landbank of crushed rock and minimum seven year landbank for sand and gravel should therefore be maintained during the entire plan period of each development plan unless agreement is reached for other authorities to make a compensating increase in their provision. There is no requirement for a landbank to be maintained within National Parks and AONBs.

5.14.16 Planning authority boundaries may form a suitable area basis on which to base a land-bank policy, however for some authorities the administrative area may be too small, the environmental constraints too important, or the availability of a workable resource too limited to enable an individual land-bank policy to be applied. In these circumstances, authorities must agree a joint approach with neighbouring authorities in line with current regional arrangements and may require liaison with relevant mineral planning authorities in England.

Inactive Sites

5.14.17 Inactive sites with planning permission for future working which are considered unlikely to be reactivated for the foreseeable future should be identified in the development plan and should be the subject of a suitable strategy and associated policies to explain future proposals for the land. This could reasonably include:

- using prohibition orders to ensure that no further extraction takes place without a further planning consent so as to provide certainty about future workings;
- restoration and after care proposals, which could include natural re-vegetation for nature conservation/ecological interests in accordance with local Biodiversity Action Plans, green infrastructure assessments or the conservation of historic assets for tourism; and
- a suitable proposed after-use.

5.14.18 In Mid and North Wales in particular, aggregates landbanks are extensive, but a significant proportion of the reserves are contained in long inactive sites which may never be worked again. It is important that the future of these sites should be finally determined to provide certainty to the local community and secure the restoration of old workings at the earliest opportunity, including capturing any potential for improving the resilience of ecological networks. It is in the interests of the minerals industry that landbanks reflect real possibilities for future mineral working. In some circumstances, it may be necessary to maintain an adequate landbank by approval of new permissions in more acceptable locations. Mineral operators should discuss with authorities

[79] See Ministerial letter of 25 July 2014 https://gov.wales/docs/desh/publications/140725-cl-04-14-policies-in-minerals-en.pdf

inactive permissions which will not be reactivated. Where these sites have been inactive and there is no prospect of future working, authorities should consider the use of prohibition orders.

Areas of Future Working

5.14.19 Where necessary, planning authorities should provide a clear guide to where non-energy mineral extraction is likely to be acceptable and include policies which protect sensitive environmental designations or historic features and environmental and resource protection. This approach brings a high degree of certainty to all. Policies and proposals should relate to identifiable areas of land unless there is a good reason why this is not possible and should cover mineral resources which are currently used or which may need to be used in the foreseeable future. These should be clearly identified on a proposals map and should, in the following order of preference, take the form of:

- Specific Sites where mineral resources of commercial significance exist and where any planning applications which come forward for those sites are likely to be acceptable in planning terms;
- Preferred Areas which will be areas of known resources with some commercial potential and where planning permission might reasonably be anticipated;
- Areas of Search where it is likely that some sites will be appropriate for mineral extraction, depending on economic and/or environmental circumstances. Areas of search will define broad areas that are believed to contain mineral resources of commercial significance but whose extent is uncertain. Within these areas it is likely that appropriate mitigation measures can overcome all environmental effects. Within areas of search, planning permissions could be granted to meet a shortfall in supply should specific sites, preferred areas, or extensions to existing sites identified in the plan, not come forward. It will not usually be appropriate for an authority to identify only areas of search in a plan; full justification for adopting such an approach would be needed; or
- Other Areas: Planning permission should not be granted in areas outside those identified in the plan except where the mineral is needed to make good a proven shortfall in supply, and where the proposal is demonstrably proven to be environmentally acceptable and to have no adverse impact on the amenity of nearby residents or communities[80].

5.14.20 Planning authorities should undertake regular assessments of mineral resources in their areas and of the reserves for which planning permission has been granted. They may do this individually or in collaboration with adjoining authorities[81].

National, Regional and Local needs for Non-Energy Minerals

5.14.21 Non-energy minerals can be divided into aggregates and non-aggregates, though in practice some minerals, such as limestone, may be worked to meet a variety of end-uses. The recovery of high purity or high quality minerals to meet a particular specification may necessitate the removal of lower grade material. Wherever possible, scarce resources of high grade material should be reserved for the most appropriate high-end use.

Aggregates

5.14.22 It is essential to the economic health of the country that the construction industry is provided with an adequate supply of the minerals it needs. The main sources of aggregates are crushed rock and sand and gravel – both

[80] Environmental Effects of Surface Mineral Workings (DoE – Roy Waller Associates), 1992
[81] For aggregates via RAWP annual surveys and the preparation of five yearly regional technical statements

land-won and marine-dredged. A number of secondary materials are used for construction purposes. These materials are often by-products of industrial processes and include slag from steel manufacture, ash from power stations, colliery spoil, slate waste and recycled material such as demolition arisings and road planings. The importance to the UK of aggregates should be taken into account when planning applications are being considered together with other policies in this guidance and relevant Minerals Technical Advice Notes (MTANs) and Technical Advice Notes (TANs). In order to conserve natural resources, particular emphasis should be given to increasing the use of alternative products to primary materials where appropriate[82].

5.14.23 Aggregates suitable for road surfacing construction and maintenance, where high specification aggregates are required for skid resistance, are of importance to the UK[83] and significant resources occur in Wales. The UK and regional need for such minerals should be accorded significant weight provided environmental impacts can be limited to acceptable levels. The fundamental characteristics of these materials, which distinguish them from more general-purpose aggregates, are their ability to meet the stringent specifications required for road construction and repair and wherever possible high specification aggregates should be used for these purposes. Planning authorities should identify potential high specification aggregate resources and consider whether there

[82] Improving the Information Base on Secondary Minerals/C&D Waste for Use as Aggregates in Wales, Aggregates Levy Sustainability Fund for Wales (Arup), 2004

[83] High Specification Aggregates for Road Surfacing Materials (DoE – Travers Morgan), 1993

is a need to protect these resources and potential rail connections to the resources from sterilisation.

5.14.24 Slate is used for roofing, cladding and decorative purposes, and in powder and granular form for specialised applications such as fillers for bituminous products or as reconstituted slate tiles[84]. The slates of North-West Wales are of high quality and are available in extensive quantities. The total area of land affected by slate extraction is relatively small, but vast quantities of waste materials have been generated and at the present time there are only limited potential uses. In South Wales, slate is more restricted in distribution and the resource has not been worked on any scale for many years although some slate waste has been used as aggregate material. In North Wales the increased use of slate waste should be encouraged, as for all potential sources of secondary material and where this option is not commercially viable, areas should be identified for restoration. Active slate quarries play an important part in maintaining local building character where the use of slate of a specific appearance is a strict planning policy. It is important that the supply of slate is maintained but balanced against the need to protect important landscapes.

Non-Aggregates Minerals

Dimension Stone

5.14.25 Suitable building stone is important for the restoration of historic buildings and ancient monuments and may be available from small operations in specific locations to supply local markets. Dimension stone is used in new buildings where it is important to maintain local building character. It may be necessary to obtain dimension stone from geological formations which are restricted in occurrence in order to obtain a particular colour, texture or homogeneity. There is often a large proportion of waste produced that may be utilised as general construction aggregate. Market demand will usually result in low rates of output from relatively small sites which may be temporary or intermittent and a flexible approach may be necessary to deal with the long duration of planning permissions which result from such a working pattern. The cumulative impact of a number of small sites operating in close proximity should be taken into account.

Limestone for Industrial Uses

5.14.26 Limestone provides the raw material for major industries and it is important for the national economy that minerals of the quality and quantity required continue to be produced and are safeguarded for future use against sterilisation and from use as a lower grade material. There may be a need to maintain a longer landbank of reserves at such sites than required for general aggregates to justify the considerable investment in plant. Mineral planning authorities are encouraged to discuss these matters with the industry with a view to reaching agreement on the extent of resources likely to be required during the life of a development plan.

5.14.27 Limestone resources with a certain minimum calcium carbonate content and low levels of impurities are used for industrial purposes, such as iron and steel making, as a catalyst in flue gas desulphurisation equipment and in cement manufacture. High purity limestone[85] occurs in South Wales where most of the outcrop contains some high purity material but is particularly consistent in the area near Bridgend where quarries produce limestone used in the Port Talbot steelworks. The low grade Jurassic limestones in the Vale of Glamorgan and high grade Carboniferous limestones provide raw material for

[84] Slate Waste Tips and Workings in Britain (DoE – Richards, Moorehead and Laing), 1995
[85] Appraisal of high-purity limestones in England and Wales – A Study of resources, needs, uses and demands (DoE), 1991

cement manufacture. In north Wales, the thickest deposits of high purity limestone occur near the Flintshire/Denbighshire border, which supply stone for cement manufacture at Buckley.

5.14.28 In most quarries, high purity limestone is extracted jointly with limestone for aggregate use and it can be difficult to differentiate between the material produced for the two different markets until after processing has been completed. The environmental impact of quarrying for high purity materials is similar to that for aggregates, except that processing plant may be on a larger scale and transportation of output may involve longer distances to industrial markets. Where quarries produce limestone for both aggregate and non-aggregate use, the reserve will normally be split and each category determined by the predicted reserve for each type. Operators should ensure such reserves are calculated using up to date information and using recognised trade formulae (for example PERC).

Peat

5.14.29 Peat has traditionally been used as a growing medium or soil improver to enhance the physical condition of soil, however the use of alternatives has increased considerably over recent decades.

5.14.30 Peat bogs are of significant nature conservation interest and are frequently important for archaeological interest as well as providing a carbon sink and resources should be protected and conserved for future generations. Future peat extraction should not be granted permission unless it is limited to wholly exceptional circumstances in areas which have already been damaged significantly by recent human activity where restoration towards wetland habitats could improve the nature conservation importance of a worked out bog. NRW and the planning authority's ecologist and archaeological advisor should be consulted on proposals for peat extraction.

Other Minerals

5.14.31 Historically minerals such as fireclay, silica sand, chert and metalliferous minerals all contributed to a diverse mineral extraction industry. Over time these activities have declined and some are unlikely to be reactivated. If applications for development do come forward the criteria based policy applicable for the extraction of aggregates should be applied. It may be appropriate to consider other policies, determined on a case by case basis, including an assessment of the need for the mineral.

5.14.32 Coal has predominantly been used for energy production, however coal has other specific uses. These include use for industrial purposes in the steel industry, in speciality carbon markets, in the making of concrete and for domestic use. Coking coal, for example, which is largely imported is used in coke manufacture for the steel industry and directly in blast furnaces. Whilst the use of coal for energy generation should not be permitted if, exceptionally, planning applications come forward for industrial uses for coal then each case would need to be considered individually and the policies contained in MTAN 2: Coal applied, including the test outlined in paragraph 45 of MTAN 2.

Borrow Pits

5.14.33 Borrow Pits are temporary mineral workings operated to supply particular construction projects, usually major highway contracts, or small shale fill sites. Such contracts may require the supply of large quantities of minerals as engineering fill over a short timescale which may cause significant environmental impact and disturbance to local communities.

5.14.34 Borrow pits should be located within or close to a construction site and wherever possible the mineral should be supplied direct without using public roads. Planning authorities must ensure that there are clear environmental benefits from meeting supply from a proposed

borrow pit as opposed to supply from secondary or recycled aggregates, or from established mineral working sites or areas identified in the development plan. Borrow pits have potential for impacting adversely on buried archaeological evidence and early consultation should be undertaken with the planning authority's archaeological advisor so that all known sensitive archaeological features can be identified. Borrow pits must be restored to the high standard expected of other forms of mineral development. The potential cumulative impact of a number of closely sited borrow pits must be carefully considered and it is likely that the impact will not be acceptable in particularly sensitive locations. Early consultation should take place with planning authorities so that all options for supply can be considered without causing delay to the construction project.

Protecting Special Characteristics and Qualities of Places

5.14.35 Minerals development should not take place in National Parks and AONB except in very exceptional circumstances. All mineral applications must therefore be subject to the most rigorous examination and all major mineral developments demonstrated to be in the public interest before being allowed to proceed. Consideration will include an assessment of:

- the need for the development in terms of UK considerations of mineral supply;
- the impact on the local economy of permitting the development or refusing it;
- whether alternative supplies can be made available at reasonable cost, and the scope for meeting the need in some other way;
- the detrimental effect of the proposals on the natural and historic environment and local community and landscape and the extent to which that can be moderated, and/or the detrimental effect of the proposals on the nature conservation interest of the site in terms of habitat, protected species and biodiversity; and
- in the case of extensions to existing quarries and other mineral extraction sites, the extent to which the proposal would achieve an enhancement to the local landscape and provide for nature conservation and biodiversity.

5.14.36 Development adjacent or close to these areas may have a significant detrimental effect on their special qualities. Minerals development proposed adjacent or close to a National Park or AONB that might affect the setting of these areas, should be assessed carefully to determine whether the environmental and amenity impact is acceptable or not, or whether suitable, satisfactory conditions can be imposed to mitigate the impact.

5.14.37 Minerals proposals within or likely to significantly affect Sites of Special Scientific Interest and National Nature Reserves, potential and classified Special Protection Areas, designated, candidate or proposed Special Areas of Conservation or Ramsar sites must be carefully examined. If the proposal would adversely affect the integrity of the site, taking into account advice from NRW, and conditions would not remove this effect, planning permission should not be granted, unless alternative supplies cannot be made available at reasonable cost, there is no scope for meeting the need in some other way and regard has been paid to considerations such as the need for the development in terms of UK mineral supply and the impact on the local economy of permitting the development or refusing it. Minerals development in non-statutory nature conservation sites should be carefully assessed to determine whether the environmental and amenity impact is acceptable or not relative to the benefits to be gained from mineral development.

5.14.38 Mineral proposals within the setting of a scheduled ancient monument (SAM) may have an impact on its significance and should be carefully considered. The impact of mineral extraction on a SAM and its setting should be considered and where impacts cannot be satisfactorily mitigated, planning permission refused unless there are exceptional circumstances.

5.14.39 Planning authorities and the minerals industry should take into account the need to protect the quantity and quality of surface and groundwater supplies[86 87]. Changes in the water table as a result of mineral extraction or the disposal of mineral wastes must not cause unacceptable impact or otherwise damage or adversely affect water resources or sources of water, in line with the principles contained in the Water Framework Directive. Such resources might be an integral part of sites of high landscape value or nature conservation importance, including protected habitats and species.

5.14.40 Changes in the water table may also cause significant geohazards such as the shrinkage of clay soils leading to subsidence or karstic collapse in limestone areas. The impact of changes to surface and groundwater are likely to require monitoring and require remedial measures to be introduced. Planning authorities must consult Natural Resources Wales on these complex issues and, where doubt exists, should adopt the precautionary principle in taking planning decisions on mineral development.

5.14.41 As well as the Agricultural Land Classification grade, other agricultural factors such as farm structure, soil conservation, farm water supply, surface water and field drainage may be matters to take into account when appraising the full extent of mineral working, restoration and aftercare proposals. The objective should be, wherever possible, to minimise any adverse effects on agriculture occurring as a result of mineral development. These factors are likely to be particularly relevant where agriculture is to be the after-use of the site.

Reducing the Impacts of Mineral Extraction and Related Operations

5.14.42 Mineral workings should not cause unacceptable adverse environmental or amenity impact. Where this is not possible working needs to be carefully controlled and monitored so that any adverse effects on local communities and the environment are mitigated to acceptable limits. Any effects on local communities and the environment must be minimised to an acceptable standard.

5.14.43 Development plans should set out clearly the criteria that will be applied to minerals proposals to ensure that they do not have an unacceptably adverse impact on the environment and the amenity of nearby residents[88]. Issues that must be addressed include:

- access and traffic generation including the routes to be used for minerals transportation;
- noise[89], in terms of limits, type and locations;
- the control of air pollution namely dust, smoke and fumes[90];
- disposal of mineral waste;
- blasting controls[91];
- land drainage, impact on groundwater resources and the prevention of pollution of water supplies[92];

[86] Guide Groundwater Protection Zones in England and Wales (NRA)
[87] Environmental Geology in Land Use Planning (DETR – Symonds Travers Morgan), 1998
[88] Environmental Effects of Surface Mineral Workings (DoE – Roy Waller Associates), 1992
[89] The Control of Noise at Surface Mineral Workings (DoE – WS Atkins), 1990
[90] Environmental Effects of Dust from Surface Mineral Workings (DETR – Arup Environmental & Ove Arup), 1995
[91] Environmental Effects of Production Blasting from Surface Mineral Workings (DETR – Vibrock Ltd), 1998
[92] Reducing the Effects of Surface Mineral Workings on the Water Environment (DETR – Symonds), 1998

- visual intrusion and general landscaping;
- impact on sites of nature conservation, geodiversity and historic assets, setting out clear and distinct policies for statutorily designated areas and non-statutorily designated areas;
- land instability;
- promotion of the use and treatment of unstable, derelict or contaminated land;
- cumulative impact; and
- restoration, aftercare and after-use.

Buffer Zones

5.14.44 There is often conflict between mineral workings and other land uses as a result of the environmental impact of noise and dust from mineral extraction and processing and vibration from blasting operations[93]. Buffer zones should be used by planning authorities to provide areas of protection around permitted and proposed mineral workings where new development which would be sensitive to adverse impact, including residential areas, hospitals and schools, should be resisted. Within the buffer zone there should be no new mineral extraction or new sensitive development, except where the site of the new development in relation to the mineral operation would be in a location remote from the active mineral site or on the far side of an existing built up area which already encroaches into the buffer zone. Other development, including industry, offices and some ancillary development related to the mineral working, which are less sensitive to impact from mineral operations, may be acceptable within the buffer zone on a case by case basis.

5.14.45 To avoid conflict between mineral workings and other land uses buffer zones should be identified in development plans around existing or proposed minerals sites. The maximum extent of the buffer zone would depend on a number of factors: the size, type and location of workings, the topography of the surrounding area, existing and anticipated levels of noise and dust, current and predicted vibration from blasting operations and availability of mitigation measures.

5.14.46 Buffer zones will of necessity vary in size depending on the mineral being extracted and the nature of the operation, but must be clearly defined and indicated on development plan proposals maps. This will ensure that there is unequivocal guidance on the proximity of mineral operations to sensitive land uses and that the potential impact of existing and future mineral workings is recognised and planned for in the area around the mineral operations. Further guidance on the factors that should be taken into account when defining buffer zones for particular minerals is provided in the MTANs. Whilst the primary purpose of buffer zones is to limit the impact of mineral working their wider beneficial role as part of green infrastructure provision and protecting and enhancing biodiversity should be explored.

Extensions

5.14.47 Extensions to existing mineral working, whether they be time, lateral or depth extensions should be considered in the same manner as applications for new sites. Each application will need to consider the impact on the site as a whole and the wider surroundings and will need to be considered on its own merits.

5.14.48 The presence of an existing quarry should be a material consideration when considering a proposal for an extension. There may be benefits to extending a site in terms of shared infrastructure, for instance, as opposed to working a new greenfield site.

[93] Environmental Effects of Surface Mineral Workings (DoE – Roy Waller Associates), 1992

Transport of Minerals by Road

5.14.49 Whilst rail and waterway are the preferred options for transporting bulky minerals, if road transport is the only means available to serve new mineral development, the capacity of the road network to deal safely with the movement of minerals and related products is a relevant consideration. As mineral development usually takes place in rural locations where the road network may be inadequate to accommodate a significant number of heavy vehicles, the impact of traffic generated by mineral development needs careful consideration and a traffic impact assessment may be required. If necessary, the routes to be used by mineral vehicles should be controlled through Section 106 agreements or by planning conditions to encourage certain directions of movement through careful access design and appropriate signage. A reduction in the level of road traffic should be encouraged in order to protect amenity and the environment by minimising disturbance and congestion, particularly in residential areas.

Restoration and Aftercare

5.14.50 Unless new mineral extraction provides satisfactory and suitable restoration, planning permission should be refused. Planning conditions should ensure that land affected by mineral extraction is restored to a high standard suitable for its agreed after-use[94] at the earliest opportunity, and work begun within six months of cessation of working wherever this is practicable, except where progressive restoration has already commenced. Restoration and aftercare should provide the means to at least maintain, and preferably enhance, the long-term quality of land and landscapes taken for mineral extraction. The statutory five year aftercare period should be extended as appropriate for the intended end-use. End uses such as nature conservation will normally require a minimum of 15 years and commuted sums may be required to cover long term maintenance costs. This will be to the benefit of local communities and ensure that a valuable natural asset will be passed on to future generations.

5.14.51 Reclamation can provide opportunities[95] for creating or enhancing sites for nature conservation and contribute to the targets in the UK Biodiversity Action Plan, or equivalent, and those adopted in local Biodiversity Action Plans throughout Wales. Reclamation can also provide opportunities for the conservation of historic assets and their settings. Capturing the potential of these opportunities should be explored at a strategic level through green infrastructure assessments, which may also result in further benefits such as the protection of geological exposures and public access.

5.14.52 In view of the long life of many mineral working sites, it is essential that progressive restoration[96] is introduced at the earliest opportunity where appropriate and practicable. The increased use of phased restoration reduces the visual impact of mineral activities at any one time and provides continuity of restoration works throughout the active operations, so reducing the potential environmental damage left by any failure to restore.

After-Use

5.14.53 After-uses may include agriculture, forestry/woodland, nature conservation, heritage, public open space, recreation or other development. A separate planning permission is likely to be required for any after-use except agriculture, forestry, nature conservation or informal recreation which is normally permitted development.

[94] Restoration & Revegetation of Colliery Spoil Tips & Lagoons (DoE – Richards Morehead and Laing), 1996
[95] Reclamation of Damaged Land for Nature Conservation (DoE – Land Use Consultants & Wardell Armstrong), 1996
[96] Landform Replication as a Technique for Reclamation of Limestone Quarries (DoE – Limestone Research Group), 1992

5.14.54 The guiding principles determining the potential after-use of a site should form part of the application submission for proposed mineral extraction or the review of mineral planning permissions, although flexibility and review will often be necessary during the life of the mineral operations. Using the guiding principles as a framework, and even for long term working sites, there must be a defined and acceptable minimum standard of restoration outlined at the application stage. To maximise the opportunities provided by the reclamation operation, it is essential that consultation is undertaken with the mineral planning authority prior to the submission of the application for mineral extraction, to determine the most appropriate guiding principles and thus the most suitable after-use of the restored land.

5.14.55 Where appropriate, development plans, informed by green infrastructure assessments, including local biodiversity action plans and countryside strategies, should provide guidance on the preferred after-uses and reclamation standards. A choice of after-use will depend on many issues, including the overall strategy of the development plan, as well as the location, final landform, availability and quality of soils or other restoration materials and neighbouring land uses.

Financial Guarantees

5.14.56 Planning conditions should be able to secure the restoration, aftercare and after-use of mineral sites[97] [98]. Operators and landowners should ensure that sufficient finance is set aside to enable them to meet restoration and aftercare obligations. The full cost of restoration does not need to be put on deposit at the outset, but it should build up commensurate with the programme of activity or extraction. Over long periods of operation ownership can change and financial surety should be encouraged to ensure that there is adequate finance to complete restoration and aftercare requirements. For coal sites, the objective is to ensure that the full restoration costs are covered commensurate with the stage of the development as set out in the Coal Authority's Best Practice guidance note. For larger sites, irrespective of the mineral type, progressive restoration should be achieved using a stream of funding required at various stages throughout the operation. Operators are encouraged, as a reasonable alternative, to participate in established mutual funding or guarantee schemes which safeguard against possible financial failure.

5.14.57 Sites left unrestored for a long period or delay in legitimate restoration is not acceptable. To address the uncertainty of local communities about the completion of restoration proposals and having regard to the polluter pays principle, wherever it is reasonable to do so, authorities may require financial guarantees as a means of ensuring that sites will be restored properly and in a reasonable time period. An authority may require financial guarantees by way of a Section 106 planning obligation/ agreement as part of the approval of planning permission to ensure that restoration will be fully achieved. Some authorities have local legislation to enable them to impose this provision by way of a condition attached to the planning permission. Mineral planning authorities should have regard to the need to avoid imposing costs that are larger or longer than strictly required to meet best standards.

[97] On coal sites financial bonds will be required and imposed either by way of local Acts or conditions/legal agreements
[98] Effectiveness of Restoration Conditions for Mineral Workings and the need for Bonds (DoE – Arup Economics), 1993

6 Distinctive and Natural Places

Distinctive and Natural Placemaking and Well-being

The Distinctive and Natural theme covers environmental and cultural components of placemaking. These components are complementary to those of the Active and Social and Productive and Enterprising themes and collectively the three themes come together to contribute towards the national sustainable placemaking outcomes. The diagram below illustrates how these outcomes are linked and work together as a whole, with Natural and Distinctive outcomes emphasised.

Places which are Distinctive and Natural contribute to the seven goals of the Well-being of Future Generations Act in the following ways.

A **Prosperous Wales** can be realised by valuing the quality of our landscapes and historic environment as important for tourism, business, local employment, locally sourced building products, in attracting inward investment and to be accessed, used and enjoyed by local communities. By protecting and enhancing biodiversity, and our natural environment more generally, it will be possible to future proof economic assets in response to the challenges presented by climate change, to promote low carbon and appropriate resource choices which address the causes of climate change and to provide cost effective ecosystems services such as clean air and water.

A **Resilient Wales** can be supported by protecting sufficient scales, extent and connectivity of, and between, landscapes and habitats to enable them to withstand the pressures of change and protect and enhance biodiversity, to tackle pollution, to protect and enhance water resources, to protect soils and to enable flood mitigation, the creation of carbon sinks, especially in urban areas, and to promote opportunities for social and economic activity based on valuing and enabling access to the natural, historic and built environment.

A **Healthier Wales** can be achieved by enabling opportunities for connecting with the natural and historic environment, enabling access to tranquil areas, tackling airborne pollution and other environmental risks and the promotion of active travel and encouragement of healthier lifestyles with the benefit of improving physical and mental well-being.

A **More Equal Wales** can be achieved through facilitating access to the natural and historic environment for physical and social benefits especially where inequalities exist. Regeneration should promote beneficial use of historical mining and industrial legacies in a sensitive way to allow communities and the natural environment to thrive and significant tourism generators such as the Wales Coastal Path are protected and accessible by all.

Cohesive Communities are sustained and created by providing spaces for people to interact and undertake community activities, including recreational spaces, play, food growing and opportunities to connect with nature. Pollution or risks such as flooding are mitigated or avoided and based on maximising opportunities for communities to flourish and undertake social, economic and cultural activities in healthy, attractive and pleasant surroundings.

A **Vibrant Culture and Thriving Welsh Language** will mean building on those unique and special characteristics which give places their distinct 'feel' and identity. Fostering and sustaining a sense of place through the protection and enhancement of the natural, historic and built environment and allowing for and supporting uses and activities which provide for creative and cultural experiences.

A **Globally Responsive Wales** will be promoted by reducing carbon emissions, addressing airborne pollution and managing environmental risks. This must be achieved in a way which promotes a natural and historic environment which should be protected and enhanced for the sake of its special characteristics and nature conservation value as well as the way in which it contributes to wider social, economic and cultural objectives, grass roots music venues, theatres and religious or spiritual buildings.

Development plan strategies, policies and development proposals should be formulated to look to the **long term** protection and enhancement of the special characteristics and intrinsic qualities of places, be these of natural, historic or built environments, ensuring their longevity in the face of change. This means both protecting and enhancing landscapes, habitats, biodiversity, geodiversity and the historic environment in their own right as well as other components of the natural world, such as water resources or air quality. Problems should be **prevented** from occurring or getting worse. Biodiversity loss should be reversed, pollution reduced, environmental risks addressed and overall resilience of ecosystems improved. When appropriate development is proposed, it must be taken forward in an **integrated** way to ensure common issues are considered and accommodated in the early stages of plan-making or individual proposal and multiple benefits, such as green infrastructure are secured.

Collaboration must occur in strategically planning for the protection and enhancement of landscapes, the historic environment, biodiversity, geodiversity, air quality and soundscapes as well as addressing environmental risks to ensure priorities align and opportunities, such as regeneration and the provision of homes, can be sustainably provided. There will be issues which require cross boundary collaboration and will be best addressed through joint working on development plans. To do this close **involvement** of various agencies and communities will be required to ensure needs and aspirations can be aligned, investment

is targeted to the right places and beneficial outcomes can be gained by better use of shared information, evidence and assessments. The State of Natural Resources Report (SoNaRR) and Area Statements will provide evidence on a range of environment and natural resources issues and an effective de-risking approach should facilitate greater transparency about environmental risks, appropriate solutions and the potential for wider associated benefits.

Distinctive and Natural Trends

The future trends of relevance to the Distinctive and Natural theme will need to be addressed, both individually and in an integrated way by embracing the national sustainable placemaking outcomes and the objectives for places identified in the Productive and Enterprising and Active and Social themes. Certain trends will be beneficial and should be facilitated by the planning system. Negative trends or cycles must be challenged and reversed and more sustainable behaviours and outcomes sought. Change must be fostered in the way all those involved in the planning process respond, both strategically and when drawing up and designing individual proposals.

The key issues in this theme include:

- **Long term and chronic decline of biodiversity and habitat loss:** SoNaRR reports losses of habitat and species' populations over the last century and suggests that decline is chronic, that decline will continue due to events which have already occurred and events associated with climate change and habitat fragmentation in the future. At present, there is insufficient resilience in Wales' ecosystems, primarily evidenced by species not recovering.
- **Adaptation to the effects of climate change:** The combination of warming that has already occurred, together with additional warming, as projected by the latest climate change evidence, means there are potentially significant impacts for Wales in terms of adaptation. The challenges include flooding and coastal change risks to communities, businesses and infrastructure; risks to health, wellbeing and productivity from high temperatures; risk of water shortages in the public water supply, agriculture, energy generation and industry and risks to soil, biodiversity and terrestrial, coastal, marine and freshwater habitats. Climate change is also likely to have significant impacts on landscape character, historic buildings, local distinctiveness and quality, directly through changing land cover, migrating habitat and species ranges, and indirectly by influencing land use decisions.
- **Recognising and addressing the factors influencing landscape change:** National landscape change to 2015 has been small overall, but some changes have been substantial locally. The key contributors to landscape change which can be influenced by the planning system include the expansion of settlements, commercial, industrial, energy and quarrying developments, road improvements and large recreational related developments, including any associated mitigation measures resulting from renewable energy generation, water resource management and through the planned expansion of woodland.
- **Rising levels of airborne pollution:** SoNaRR reports increases in air pollution across a range of pollutants from urbanisation, road traffic and intensification of agriculture.
- **Loss of venues for cultural activities or historic assets:** understanding and addressing the challenges of loss of cultural features which give places their unique feel, including those subjected to particular pressure as a result of increasing demands for urban living.

Distinctive and Natural Linkages

Driven by the national sustainable placemaking outcomes, the policy topics of the Distinctive and Natural places theme must be considered together with the Productive and Enterprising and Active and Social themes when formulating development plan strategies, polices and proposals and when designing and developing individual proposals and making decisions on planning applications.

The characteristics and environmental qualities of places varies across Wales, creating distinctive or unique features associated with their particular natural or cultural heritage and these should be recognised and valued, in and of, themselves and should be protected and enhanced. Priorities for rural and urban areas will reflect how these characteristics and qualities contribute to the attractiveness, liveability, resilience, functioning, economic prosperity and ultimately the health, amenity and wellbeing of people and places.

Desired Distinctive and Natural outcomes will be based on sustaining and creating places in which:

- the role which landscapes, the historic environment, habitats and biodiversity, the characteristics of coastal, rural or urban environments play in contributing to Distinctive and Natural places are identified, understood, valued, protected and enhanced;
- further fragmentation of habitats is avoided, wherever possible, and green networks, corridors and connecting habitat within developed areas is protected, and enhanced;
- sites designated for their landscape or nature conservation importance are fully considered and their special characteristics and features protected and enhanced, whilst the network of sites should be recognised as being at the heart of improving the resilience of ecosystems;
- opportunities in all areas to improve the resilience of ecosystems are taken by addressing building on floodplains, diffuse pollution, soil compaction and sealing, ensuring the protection of peat resources and improving approaches to coastal flood defence in urban areas and coastal margins;
- opportunities to improve health and wellbeing are taken, in particular, to reduce average levels of airborne pollution, protect appropriate soundscapes, create areas of tranquillity, secure sustainable drainage systems, ensure water sensitive design, address soil carbon management and secure access to informal spaces for recreation through green infrastructure provision so as to improve capacity for adaptability to the challenges of climate change, such as flood risk and increased temperatures;
- opportunities to develop green infrastructure are taken, wherever possible; and
- support development which contributes positively to an area and addresses environmental risks which constrain potential and impact adversely on communities and the natural and built environment by using PDL or existing buildings and taking opportunities to ‘clean up’ land and address dereliction, where this is informed by the historic and natural environment.

Introduction

6.0.1 The Distinctive and Natural Places theme of planning policy topics covers historic environment, landscape, biodiversity and habitats, coastal characteristics, air quality, soundscape[99], water services, flooding and other environmental (surface and sub-surface) risks.

6.0.2 The special and unique characteristics and intrinsic qualities of the natural and built environment must be protected in their own right, for historic, scenic, aesthetic and nature conservation reasons. These features give places their unique identity and distinctiveness and provide for cultural experiences and healthy lifestyles.

6.0.3 As well as those characteristics regarded as special or unique there are other, environmental qualities of places which are ubiquitous. Environmental components of places, such as clean air, access to open spaces and water quality, are linked to the quality of the built and natural environment. The environmental components of places influence and shape health and wellbeing as well as playing a role in sustaining and creating places which are adaptable and resilient to change. Distinctive and Natural places must maintain or incorporate green infrastructure, recognising the wide ranging role it can play, as key components of their natural and built fabric. Doing so will maximise health and well-being of communities and the environment.

Recognising the Special Characteristics of Places

6.1 The Historic Environment

6.1.1 The historic environment comprises all the surviving physical elements of previous human activity and illustrates how past generations have shaped the world around us. It is central to Wales's culture and its character, whilst contributing to our sense of place and identity. It enhances our quality of life, adds to regional and local distinctiveness and is an important economic and social asset.

6.1.2 The historic environment is made up of individual historic features which are collectively known as historic assets. Examples of what can constitute an historic asset include:

- Listed buildings;
- Conservation areas;
- Historic assets of special local interest;
- Historic parks and gardens;
- Townscapes[100];
- Historic Landscapes;
- World Heritage Sites; and
- Archaeological remains (including scheduled monuments).

6.1.3 The ways in which historic assets are identified can vary. The most important historic assets often have statutory protection or are included in formal registers which identify them as being of special historic interest. Other assets yet to be formally identified could include buried archaeological remains.

Conserving and Enhancing the Historic Environment and its Assets

6.1.4 The Ancient Monuments and Archaeological Areas Act 1979, Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment (Wales) Act 2016 provide the legislative framework for the protection and sustainable management of the historic environment in Wales. PPW provides the national planning policy framework for the consideration of the historic environment and this is supplemented by guidance contained in Technical Advice Note 24:

[99] Soundscape is defined in paragraph 6.7.1

[100] Cadw has published a number of studies on the character of towns across Wales which provide further information with regards to the concept of townscape as an important historic urban feature. https://cadw.gov.wales/historicenvironment/regenerationandsustainability/understandingcharacter/?lang=en

The Historic Environment[101] and Cadw associated best practice guidance on the historic environment[102].

6.1.5 The planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations. The historic environment is a finite, non-renewable and shared resource and a vital and integral part of the historical and cultural identity of Wales. It contributes to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life. The historic environment can only be maintained as a resource for future generations if the individual historic assets are protected and conserved. Cadw's published Conservation Principles highlights the need to base decisions on an understanding of the impact a proposal may have on the significance of an historic asset.

6.1.6 The Welsh Government's specific objectives for the historic environment seek to:

- protect the Outstanding Universal Value of the World Heritage Sites;
- conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy;
- safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;
- preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous;
- preserve the special interest of sites on the register of historic parks and gardens; and
- protect areas on the register of historic landscapes in Wales.

6.1.7 It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

6.1.8 It is the responsibility of all those with an interest in the planning system, including planning authorities, applicants, developers and communities, to appropriately care for the historic environment in their area. The protection, conservation and enhancement of historic assets is most effective when it is considered at the earliest stage of plan preparation or when designing proposals new proposals.

6.1.9 Any decisions made through the planning system must fully consider the impact on the historic environment[103] and on the significance and heritage values of individual historic assets and their contribution to the character of place[104].

Listed Buildings

6.1.10 There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of

[101] Technical Advice Note 24: The Historic Environment. https://gov.wales/topics/planning/policy/tans/tan-24/?lang=en
[102] Cadw best-practice guidance on the historic environment. http://cadw.gov.wales/historicenvironment/publications/?lang=en
[103] Further information on how to consider the impacts of proposals on the historic environment, including requirements for Heritage Impact Assessment and Statement, can be found in Technical Advice Note 24: The Historic Environment (https://gov.wales/topics/planning/policy/tans/tan-24/?lang=en) and Cadw best-practice guidance: Heritage Impact Assessment in Wales (http://cadw.gov.wales/docs/cadw/publications/historicenvironment/20170531Heritage%20Impact%20Assessment%20in%20Wales%2026917%20EN.pdf).
[104] Refer to Chapter 2 for further information on placemaking and character.

special architectural or historic interest which it possesses.

6.1.11 For listed buildings, the aim should be to find the best way to protect and enhance their special qualities, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of planning and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future[105].

6.1.12 The demolition of any listed building should be considered as exceptional and require the strongest justification.

6.1.13 Applicants for listed building consent must be able to justify their proposals, show why the alteration or demolition of a listed building is desirable or necessary and consider the impact of any change upon its significance. This must be included in a heritage impact statement, which will be proportionate both to the significance of the building and to the degree of change proposed.

Conservation Areas

6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed. The preparation of conservation area appraisals and management plans can assist planning authorities in the exercise of their development management functions[106].

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

6.1.17 Conservation area designation introduces control over the total or substantial demolition of unlisted buildings within these areas, but partial demolition does not require conservation area consent. Procedures are essentially the same as for listed building consent. When considering an application for conservation area consent, account should be taken of the wider effects of demolition on the building's surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole. Consideration should also be given to replacement structures. Proposals should be tested against conservation area appraisals, where they are available.

[105] Further information on managing listed buildings can be found in Cadw best-practice guidance: Managing Listed Buildings at Risk in Wales. http://cadw.gov.wales/docs/cadw/publications/historicenvironment/20170531Managing%20Listed%20Buildings%20at%20Risk%20in%20Wales%2031144%20EN.pdf

[106] Further information on the management of conservation areas, including conservation area appraisals and management plans, can be found in Technical Advice Note 24: The Historic Environment (https://gov.wales/topics/planning/policy/tans/tan-24/?lang=en) and Cadw best-practice guidance: Managing Conservation Areas in Wales (http://cadw.gov.wales/docs/cadw/publications/historicenvironment/20170531Managing%20Conservation%20Areas%20in%20Wales%2028424%20EN.pdf).

Historic Parks and Gardens

6.1.18 Planning authorities should value, protect, conserve and enhance the special interest of parks and gardens and their settings included on the register of historic parks and gardens in Wales. The register should be taken into account in planning authority decision making. Green Infrastructure Assessments should be used to explore the role of historic parks and gardens and the findings of other landscape character assessments should be fed into historical and cultural assessments to ensure consistency of information.

6.1.19 The effect of a proposed development on a registered park or garden, or its setting, is a material consideration in the determination of planning applications[107].

Historic Landscapes

6.1.20 The Welsh Government seeks to protect areas on the register of historic landscapes in Wales[108].

6.1.21 Planning authorities should protect those assets included on the register of historic landscapes in Wales. As above, the sharing and use of evidence and assessments undertaken for wider reasons, such as Green Infrastructure Assessments, should be used to identify and better understand historic landscapes and ensure their qualities are protected and enhanced. The register should be taken into account in decision making when considering the implications of developments which meet the criteria for Environmental Impact Assessment or, if on call in, in the opinion of the Welsh Ministers, the development is of a sufficient scale to have more than a local impact on the historic landscape. An assessment of development on a historic landscape may be required if it is proposed within a registered historic landscape or its setting and there is potential for conflict with development plan policy.

World Heritage Sites

6.1.22 World Heritage Sites are international designations recognised for their Outstanding Universal Value, as inscribed by UNESCO. The planning system recognises the need to protect the Outstanding Universal Value of World Heritage Sites in Wales. The impacts of proposed developments on a World Heritage Site and its setting and, where it exists, the World Heritage Site buffer zone and its essential setting, is a material consideration in the determination of any planning application[109].

Archaeological Remains

6.1.23 The planning system recognises the need to conserve archaeological remains. The conservation of archaeological remains and their settings is a material consideration in determining planning applications, whether those remains are a scheduled monument or not.

6.1.24 Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection *in situ*. It will only be in exceptional circumstances that planning permission will be granted if development would result in

[107] Further information on the consideration of historic parks and gardens in the determination of planning applications can be found in Technical Advice Note 24: The Historic Environment (https://gov.wales/topics/planning/policy/tans/tan-24/?lang=en) and Cadw best-practice guidance: Managing Change to Registered Historic Parks and Gardens in Wales (http://cadw.gov.wales/docs/cadw/publications/historicenvironment/20170531Managing%20Change%20to%20Registered%20Historic%20Parks%20&%20Gardens%20in%20Wales%2026922%20EN.pdf).

[108] Further information on the register of historic landscapes and its use in the determination of planning applications can be found in Technical Advice Note 24: The Historic Environment. https://gov.wales/topics/planning/policy/tans/tan-24/?lang=en

[109] Further information on the management of World Heritage Sites can be found in Technical Advice Note 24: The Historic Environment (https://gov.wales/topics/planning/policy/tans/tan-24/?lang=en) and Cadw best-practice guidance: Managing Change in World Heritage Sites in Wales (http://cadw.gov.wales/docs/cadw/publications/historicenvironment/20170531Managing%20Change%20in%20World%20Heritage%20Sites%20in%20Wales%2031146%20EN.pdf).

a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance).

6.1.25 In cases involving less significant archaeological remains, planning authorities will need to weigh the relative importance of the archaeological remains and their settings against other factors, including the need for the proposed development.

6.1.26 Where archaeological remains are known to exist or there is a potential for them to survive, an application should be accompanied by sufficient information, through desk-based assessment and/or field evaluation, to allow a full understanding of the impact of the proposal on the significance of the remains. The needs of archaeology and development may be reconciled, and potential conflict very much reduced, through early discussion and assessment.

6.1.27 If the planning authority is minded to approve an application and where archaeological remains are affected by proposals that alter or destroy them, the planning authority must be satisfied that the developer has secured appropriate and satisfactory provision for their recording and investigation, followed by the analysis and publication of the results and the deposition of the resulting archive in an approved repository. On occasions, unforeseen archaeological remains may still be discovered during the course of a development. A written scheme of investigation should consider how to react to such circumstances or it can be covered through an appropriate condition for a watching brief. Where remains discovered are deemed to be of national importance, the Welsh Ministers have the power to schedule the site and in such circumstances scheduled monument consent must be required before works can continue.[110]

Historic Environment Records

6.1.28 The statutory historic environment records for each local authority area are managed and kept up-to-date by the Welsh Archaeological Trusts on behalf of the Welsh Ministers. These records must be used as a key source of information in making planning decisions affecting the historic environment. Advice on their use in decision making should be sought from the Trusts[111].

Locally Specific Historic Environment Policies

6.1.29 Development plans should consider the inclusion of locally specific policies relevant to the historic environment. These must be distinctive and only cover those elements deemed as important considerations from a local planning perspective. They might include locally specific policies relating to:

- **World Heritage Sites** – development plans must reflect that individual World Heritage Sites have been inscribed by UNESCO because of their Outstanding Universal Value. If assets cover more than one authority's jurisdiction, there is a need to ensure there are consistent planning policies in the relevant development plans. The most effective way of implementing the conservation of World Heritage Sites and their settings is through the adoption of consistent and agreed SPG by all relevant authorities.
- **Archaeological remains** – unscheduled archaeological remains and their settings, may be identified in development plans as

[110] Further information on the consideration of archaeological remains through the planning process, including desk-based assessment, field evaluation and the consideration of unforeseen archaeological remains, can be found in Technical Advice Note 24: The Historic Environment. https://gov.wales/topics/planning/policy/tans/tan-24/?lang=en

[111] Further information on the requirements for preparation and use of historic environment records can be found in Cadw best-practice guidance: Historic Environment Records in Wales: Compilation and Use. http://cadw.gov.wales/docs/cadw/publications/historicenvironment/20170523HERs%20in%20Wales%20Compilation%20and%20Use%20-%20ENG.pdf

of local importance and worthy of conservation. Development plans should not include policies relating to the financing of archaeological works in return for the grant of planning permission. Planning permission for archaeologically damaging development should not be granted merely because it is proposed to record sites whose physical preservation *in situ* is both desirable (because of their level of importance) and feasible.

- **Listed buildings and conservation areas** – development plans may include locally specific policies for the conservation of the built historic environment, including the protection or enhancement of listed buildings and conservation areas and their settings. They may also include policies relating to re-use or new development that affect particular historic areas and/or buildings, which may assist in achieving urban and rural regeneration. Development plans should not include policies for the designation of new conservation areas or extensions to existing conservation areas, nor should they include detailed statements or proposals for existing conservation areas. The process of assessment, detailed definition or revision of boundaries and formulation of proposals for individual conservation areas should be pursued separately from the development plan.
- **Historic assets of special local importance** – planning authorities may develop lists of historic assets of special local interest, that do not have statutory protection, but that make an important contribution to local distinctiveness and have the potential to contribute to public knowledge.

Where a planning authority chooses to identify historic assets of special local interest[112], policies for the conservation and enhancement of those assets must be included in the development plan.

Enabling Development

6.1.30 Enabling development is development which can deliver substantial heritage benefit but would usually be contrary to other objectives of national or local planning policy.

6.1.31 Enabling development may be appropriate if the public benefit of rescuing, enhancing, or even endowing an important historic asset decisively outweighs the harm to other material interests[113]. It must always be in proportion to the public benefit it offers.

6.1.32 When considering a scheme of enabling development, planning permission should be granted only where all of the following can be applied:

- where the impact of the development was precisely defined in the application at the outset, and normally through the granting of full, rather than outline, planning permission;
- where the achievement of the heritage objective is securely and enforceably linked to the enabling development;
- where the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation of the enabling development;
- where the planning authority closely monitors implementation, if necessary

[112] Further information on the identification of historic assets of special local interest in the planning process can be found in Technical Advice Note 24: The Historic Environment (https://gov.wales/topics/planning/policy/tans/tan-24/?lang=en) and Cadw guidance: Managing Lists of Historic Assets of Special Local Interest in Wales (http://cadw.gov.wales/docs/cadw/publications/historicenvironment/20170531Managing%20Lists%20of%20Historic%20Assets%20of%20Special%20Local%20Interest%20in%20Wales%2024305%20EN.pdf).

[113] Tests setting out when enabling development might be acceptable are given in Cadw guidance: Conservation Principles for the sustainable management of the historic environment in Wales. http://cadw.gov.wales/docs/cadw/publications/Conservation_Principles_EN.pdf.

acting promptly to ensure that obligations are fulfilled; and

- the enabling development does not give rise to significant risks, for example residential development in the floodplain or significantly impact on air quality or soundscape.

6.2 Green Infrastructure

6.2.1 Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales. At the landscape scale green infrastructure can comprise entire ecosystems such as wetlands, waterways and mountain ranges. At a local scale, it might comprise parks, fields, public rights of way, allotments, cemeteries and gardens. At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs/walls can all contribute to green infrastructure networks.

6.2.2 The Environment (Wales) Act 2016, provides a context for the delivery of multi-functional green infrastructure. Its provision can make a significant contribution to the sustainable management of natural resources, and in particular to maintaining and enhancing biodiversity and the resilience of ecosystems in terms of the diversity between and within ecosystems and the extent, condition and connectivity of ecosystems and their ability to adapt. This means that the development of green infrastructure is an important way for local authorities to deliver their Section 6 duty[114].

6.2.3 Green infrastructure is capable of providing several functions at the same time and as a result offers multiple benefits, for social, economic and cultural as well as environmental resilience. The components of green infrastructure, by improving the resilience of ecosystems, can result in positive benefits to well-being including flood management, water purification, improved air quality, reduced noise pollution and local climate moderation, climate change mitigation and food production. These benefits are important in urban environments where they can facilitate health and well-being related benefits of open space, clean air and improved tranquility, for example, as well as creating a sense of place and improved social cohesion. In addition, green infrastructure has a role in protecting local distinctiveness, providing economic benefits and social and community opportunities.

Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new

[114] Section 6 of the Environment Act 2016

development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

Green Infrastructure Assessments

6.2.6 Planning authorities should adopt a strategic and proactive approach to green infrastructure and biodiversity by producing up to date inventories and maps of existing green infrastructure and ecological assets and networks. Such Green Infrastructure Assessments should use existing datasets, and the best available information, to develop an integrated map-based evidence resource. Doing so will facilitate a proactive approach and enable contributions towards the well-being goals to be maximised.

6.2.7 The Green Infrastructure Assessment should be used to develop a robust approach to enhancing biodiversity, increasing ecological resilience and improving well-being outcomes, and should identify key strategic opportunities where the restoration, maintenance, creation or connection of green features and functions would deliver the most significant benefits.

6.2.8 The outcomes of the Green Infrastructure Assessment should draw from the evidence base provided by Area Statements and well-being assessments and be integrated into development plans to ensure the early and co-ordinated consideration of opportunities to inform the development, design and land related strategies of the plan. The Green Infrastructure Assessment should also be given early consideration in development proposals, and inform the implementation of projects.

6.2.9 Considering how significant benefits can be delivered through green infrastructure will be a key aim of the assessment. This may involve identifying opportunities to improve water management and flood mitigation through the provision of Sustainable Drainage Systems, including design measures such as green roofs. In a similar way, identifying how the provision of green infrastructure could form an integral part of strategies for growth will be an important factor in maintaining good air quality and appropriate soundscapes.

6.2.10 The need for ecosystems, habitats and species to adapt to climate change should be considered as part of the Green Infrastructure Assessment. This should include identifying ways to minimise or reverse the fragmentation of habitats, and to improve habitat connectivity through the promotion of wildlife corridors and identifying opportunities for land rehabilitation, landscape management and the creation of new or improved habitats. Planning authorities should ensure that development minimises impact and provides opportunities for enhancement within areas identified as important for the ability of species to adapt and/or to move to more suitable habitats.

6.2.11 Planning authorities must encourage the appropriate management of features of the landscape which are of major importance for wild flora and fauna in order to complement and improve the ecological coherence of the Natura 2000 network[115]. The features concerned are

[115] Section 41 of The Conservation of Habitats and Species Regulations 2017 https://www.legislation.gov.uk/uksi/2017/1012/contents/made

those which, because of their linear and continuous structure or their function as 'stepping stones' or 'wildlife corridors', are essential for migration, dispersal or genetic exchange. The development of networks of statutory and non-statutory sites and of the landscape features which provide links from one habitat to another can make an important contribution to ecosystem resilience and the maintenance and enhancement of biodiversity and the quality of the local environment, including enabling adaptation to climate change.

6.2.12 Green Infrastructure Assessments should be regularly reviewed to ensure that information on habitats, species and other green features and resources is kept up-to-date, so that development management decisions are informed by appropriate information about the potential effects of development on biodiversity and green infrastructure functions. Where information is submitted as part of a development proposal (for example, a green infrastructure statement) it should consider the Green Infrastructure Assessment. Planning authorities should use the best available data to monitor a set of key species and habitats, and incorporate these indicators into both their Annual Monitoring Reports (AMRs) and, where appropriate, into the appropriate Section 6 Plan and Report. The monitoring of success and delivery of habitat and species mitigation requirements secured through conditions and obligations can also usefully feed into this process. At the end of each reporting period they should use this data to indicate whether there has been a net gain or loss of biodiversity, and should use the trends identified to determine future priorities for planning and decision making, with the aim of furthering the goals of the Section 6 Duty.

6.3 Landscape

6.3.1 Landscape is an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors. Landscape policy is guided by the European Landscape Convention[116].

6.3.2 The landscapes of Wales are rich and varied. Many Welsh landscapes are iconic, and a quarter of the land area of Wales is designated as either a National Park or Area of National Outstanding Beauty (AONB). The character and special qualities of all our places and landscapes, both urban and rural, can provide a strong sense of place, inspiration and belonging, and contribute to the distinctive cultural identity of Wales.

6.3.3 All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places. Considering landscape at the outset of formulating strategies and polices in development plans and when proposing development is key to sustaining and enhancing their special qualities, and delivering the maximum well-being benefits for present and future generations as well as helping to deliver an effective and integrated approach to natural resource management over the long term. Collaboration and engagement with adjacent planning authorities, Natural Resources Wales (NRW), Cadw and the third sector will be necessary to draw on a wide range of expertise and evidence. This means:

- ensuring Wales contributes to meeting international responsibilities and obligations for landscapes;

[116] https://www.coe.int/en/web/landscape/home

- ensuring statutorily designated sites are properly protected and managed;
- ensuring that the value of all landscapes for their distinctive character and special qualities is protected; and
- ensuring the opportunities landscapes provide for tourism, outdoor recreation, local employment, renewable energy and physical and mental health and well-being are taken into account and multiple well-being benefits for people and communities secured.

6.3.4 Where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission.

National Parks and Areas of Outstanding Natural Beauty

6.3.5 The statutory landscape designations that apply in Wales are National Parks, and AONBs. Planning authorities have a statutory duty to have regard to National Parks and AONB purposes. This duty applies in relation to all activities affecting National Parks and AONBs, whether those activities lie within, or in the setting of, the designated areas. The designated landscapes should be drivers of the sustainable use and management of natural resources in their areas, and planning authorities should have regard to their identified special qualities in the exercise of their functions and any relevant management plans.

6.3.6 In National Parks, planning authorities should give great weight to the statutory purposes of National Parks, which are to conserve and enhance their natural beauty, wildlife and cultural heritage, and to promote opportunities for public understanding and enjoyment of their special qualities[117]. Planning authorities should also seek to foster the social, economic and cultural well-being of their local communities.

6.3.7 In AONBs, planning authorities should give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas.

6.3.8 National Parks and AONBs are of equal status in terms of landscape and scenic beauty, and must both be afforded the highest status of protection from inappropriate developments.

6.3.9 The special qualities of designated areas should be given weight in the development planning and the development management process. Proposals in National Parks and AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.

6.3.10 In National Parks or AONBs, special considerations apply to major development proposals which are more national[118] than local in character. Major developments should not take place in National Parks or AONBs except in exceptional circumstances. This may arise where, after rigorous examination, there is demonstrated to be an overriding public need, refusal would be severely detrimental to the local economy and there is no potential for locating the development elsewhere or meeting the need in some other way. Any construction and restoration must be carried out to high environmental standards. Consideration of applications for major developments should therefore include an assessment of:

- the need for the development, in terms of national considerations and the impact of permitting it or refusing it upon the local economy;

[117] The Sandford Principle provides that, where there is a conflict between these purposes, greater weight shall be given to conserving and enhancing natural beauty, wildlife and cultural heritage.
[118] 'National' in this context means UK.

- the cost of and scope for providing the development outside the designated area or meeting the need for it in some other way; and
- any detrimental effect on the environment and the landscape, and the extent to which that could be moderated and/or mitigated.

Characteristics of Local Landscapes

6.3.11 Planning authorities should provide for the conservation and, where appropriate, enhancement of local landscapes. This may include policies for landscape features, characteristics and qualities of local significance, and the designation of Special Landscape Areas (SLAs). Planning authorities should state which features, characteristics or qualities require extra protection, and explain how the policy or designation will achieve this protection. LANDMAP and any associated landscape character assessments (including the register of historic landscapes in Wales) should be used to inform local landscape policies and SPG, and to help identify or revise SLAs.

6.3.12 SLAs are non-statutory designations that define local areas of high landscape importance, which may be unique, exceptional or distinctive to the area. Planning authorities should apply these designations where there is good reason to believe that normal planning policies cannot provide the necessary protection.

6.3.13 Geological features are a key part of our natural environment, and protecting geodiversity underpins the wider protection and management of our natural resources, including land availability, renewable energy potential, groundwater supply and flood risk.

6.3.14 UNESCO Global Geoparks and Biospheres are areas of international geological significance, managed with a holistic concept of protection, education and sustainable development. Regionally Important Geodiversity Sites (RIGS) are non-statutory site designations that recognise locally or regionally important geological and geomorphological landscape features. RIGS are selected for their educational, scientific, historic and aesthetic qualities, to and designated through development plans.

6.3.15 Planning authorities should protect the features and qualities for which Geoparks and RIGS have been designated, and are encouraged to promote opportunities for the incorporation of geological features within the design of development, particularly where relevant evidence is provided by Green Infrastructure Assessments.

6.3.16 Some statutory Sites of Special Scientific Interest (SSSIs) are also designated for their nationally important geological or geomorphological features, and planning authorities have a duty to further the conservation and enhancement of those features.

Common Land

6.3.17 Common land is a finite resource and should not be developed unnecessarily. It is important in agricultural terms and valued for its leisure and environmental interests, particularly its significant role in habitat conservation. Access to it should not be prevented or impeded unnecessarily to ensure its proper management. The role and wider value of common land should be explored through Green Infrastructure Assessments.

6.3.18 In addition to planning permission, certain works which prevent or impede access to or over common land or involve new resurfacing require consent from Welsh Ministers. Where planning permission is being granted to develop on common land, an advisory note should be attached stating that the consent of the Welsh Ministers may also be required under common land legislation[119] .

[119] This may be required under the various common land legislation, the most usual being Section 38 of the Commons Act 2006 or Section 16 of the Commons Act 2006.

Landscape Information

6.3.19 LANDMAP is an important information resource, methodology, and monitoring baseline for the landscapes of Wales, which can help inform planning for the sustainable management of natural resources in an area. LANDMAP describes and evaluates the physical, ecological, visual, cultural and historic aspects of the landscapes of Wales, and provides the basis of a consistent, quality assured national approach to landscape assessment. LANDMAP assessments can help to inform green infrastructure assessments, SPG on landscape, development management decisions, landscape character assessment, special landscape areas (SLAs), local distinctiveness, design, and landscape sensitivity studies.

6.3.20 Planning authorities should draw upon LANDMAP in the preparation of landscape plans and assessments needed to inform development plans, SPGs and the development management process. LANDMAP assessments should be published.

6.4 Biodiversity and Ecological Networks

6.4.1 Biodiversity underpins the structure and functioning of ecosystems. It is the diversity of living organisms whether at the genetic, species or ecosystem level. An ecosystem is made up of living organisms, plants, animals and micro-organisms, in conjunction with their non-living environment, air, water, minerals and soil, and all the diverse and complex interactions that take place between them.

6.4.2 The Environment (Wales) Act 2016 introduced an enhanced biodiversity[120] and resilience of ecosystems[121] duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species.

6.4.3 The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation

[120] **Biodiversity** is defined by the CBD as "the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems". Diversity is a structural feature of ecosystems, and the variability among ecosystems is an element of biodiversity.

[121] **Ecosystems.** The CBD defined ecosystems as "a dynamic complex of plant, animal and micro-organisms and their non-living environment interacting as a functional unit". The key feature of ecosystems is that they are fully integrated systems with 'emergent properties' arising from interactions between the living and non-living elements of which they are composed.

interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and

- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

6.4.4 It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. Since these considerations are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as NRW and the third sector. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.

Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects:

- diversity between and within ecosystems;
- the connections between and within ecosystems;
- the scale of ecosystems;
- the condition of ecosystems including their structure and functioning; and
- the adaptability of ecosystems.

6.4.6 In fulfilling this duty, planning authorities must have regard to:

- the list of habitats and species of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2016;
- the SoNaRR, published by NRW; and
- any Area Statement that covers all or part of the area in which the authority exercises its functions.

6.4.7 Planning Authorities should also refer to up to date ecological survey information (where appropriate).

6.4.8 A proactive approach towards facilitating the delivery of biodiversity and resilience outcomes should be taken by all those participating in the planning process. In particular, planning authorities must demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions[122].

[122] Further guidance on Section 6 is available at https://gov.wales/topics/environmentcountryside/consmanagement/natural-resources-management/environment-act/guidance-for-section-6/?lang=en

6.4.9 The broad framework for implementing the Section 6 Duty and building resilience through the planning system includes addressing:

Implementing the Section 6 Duty

Diversity: to ensure mechanisms are in place to minimise further loss and where circumstances allow for species' populations to expand and recolonise their natural range (former range) or adapt to future change. More diverse ecosystems are more resilient to external influences (this includes biological, geological and physical diversity on a site). This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity;

Extent: to ensure mechanisms allow for the identification of potential habitat, the maintenance of existing assets and networks and promote the restoration of damaged, modified or potential habitat and the creation of new habitat. This means that planning decisions should incorporate measures which seek the creation, restoration and appropriate management of green networks and linkages between habitats and maintaining and enhancing other green infrastructure features and networks;

Condition: Ecosystems need to be in a healthy condition to function effectively, to deliver a range of important ecosystem services. Planning decisions should not compromise the condition of ecosystems. By taking an integrated approach to development, for example, which considers both direct and wider impacts and benefits it should be possible to make a positive contribution. Planning for the long term management of retained habitats is key to maintaining condition through for example, the use of planning obligations;

Connectivity: to take opportunities to develop functional habitat and ecological networks within and between ecosystems and across landscapes, building on existing connectivity and quality and encouraging habitat creation, restoration and appropriate management. The opportunities could include enlarging habitat areas, developing buffers around designated sites or other biodiversity assets or corridors, including transport and river corridors, and the creation of 'stepping stones' which will strengthen the ability of habitats and ecological networks to adapt to change, including climate change; and

Adaptability to change: primarily in the form of climate change, for both species (diversity) and ecosystems requires action to protect the extent, condition and connectivity of habitats, features and ecological networks. Development plans, planning proposals and applications which build on protecting designated sites and securing and enhancing green infrastructure will be key ways of addressing the attributes of ecosystems resilience identified in the Environment Act as well as facilitating social and economic resilience aspirations of the Well-being of Future Generations Act.

Designated Sites

6.4.10 Many of the most important areas of nature conservation value have been statutorily designated. These statutorily designated sites make a vital contribution to protecting biodiversity and can also be important in providing opportunities for achieving wider well-being objectives.

Hierarchy of Designations: International, National, Local

6.4.11 Planning authorities must have regard to the relative significance of international, national and local designations in considering the weight to be attached to nature conservation interests. Further guidance, particularly in relation to Natura 2000 sites, is contained in TAN 5: Nature Conservation and Planning.

6.4.12 The supporting reasoning for the designation at all levels and an outline of the qualifying features of the designation should be clearly recorded as part of the Green Infrastructure Assessment and considered in formulating development plans, when designing new development proposals and in development management decisions.

6.4.13 Differentiation should be given to the relative significance of the designation within the hierarchy, when considering the weight to be attached to nature conservation interests.

6.4.14 Statutory designation of a site does not necessarily prohibit development, but proposals must be carefully assessed to ensure that effect on those nature conservation interests which the designation is intended to protect are clearly understood; development should be refused where there are adverse impacts on the features for which a site has been designated. International and national responsibilities and obligations for conservation should be fully met, and, consistent with the objectives of the designation, statutorily designated sites protected from damage and deterioration, with their important features conserved and enhanced by appropriate management. Further information on Habitats Regulations Assessment is contained in TAN 5: Nature Conservation and Planning.

Figure 11: Designated Sites Hierarchy

Tier	Name	Statutorily and Non Statutorily Protected Sites
International	Special Area of Conservation	Statutory
	Special Protection Area	Statutory
	Ramsar sites	Statutory
	UNESCO Biosphere Reserve	Non-Statutory
National	Site of Special Scientific Interest	Statutory
	National Nature Reserve	Statutory
Local	Sites of Importance for Nature Conservation	Non-Statutory
	Local Nature Reserve	Non-Statutory
	Local Wildlife Sites	Non-Statutory

Protection and Management of Designated Sites

6.4.15 Statutorily designated sites must be protected from damage and deterioration, with their important features conserved and enhanced by appropriate management. The contribution of the designated site to a wider network of resilient ecosystems should be recognised and captured as part of policy and decision making.

6.4.16 Planning authorities should consider opportunities to restore networks of habitats to a healthy condition identified as a result of undertaking the Green Infrastructure Assessment and the identification of appropriate interventions to secure delivery against the aspects of resilience, diversity, connectivity, scale, condition and adaptability.

Sites of Special Scientific Interest

6.4.17 SSSIs are of national importance. The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000, places a duty on all public bodies, including planning authorities, to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features by reason of which a SSSI is of special interest. SSSIs can be damaged by developments within or adjacent to their boundaries, and in some cases, by development some distance away. There is a presumption against development likely to damage a SSSI and this presumption should be appropriately reflected in development plans and development management decisions. In particular, before authorising development likely to damage any of

the notified features of a SSSI, planning authorities must give notice of the proposed operations to NRW, and must take its advice into account in deciding whether to grant planning permission and in attaching planning conditions. For the purposes of land use planning proposed SSSIs will be treated in the same way as notified SSSIs[123] .

Special Protection Areas, Special Areas of Conservation and Ramsar Sites

6.4.18 SACs and SPAs are of European importance. Under the Conservation of Habitats and Species Regulations (2017) (the Habitats Regulations), all public bodies (including planning authorities) must have regard to the requirements of the EC Habitats and Birds Directives when carrying out their functions. SACs and SPAs on land are underpinned by notification as SSSIs and hence subject to protection afforded by the SSSI provisions. Before authorising development or adopting a land use plan which is likely to have a significant effect on a SAC or SPA (including where outside the boundary of the SAC or SPA), planning authorities must carry out an appropriate assessment of the implications for the designated features, consult NRW and have regard to NRW's representations. The development can normally only be authorised or the plan adopted, if the planning authority ascertains that it will not adversely affect the integrity of the site, if necessary taking into account any additional measures, planning conditions or obligations. Development or policies in land use plans for which there is no alternative solution and which must be carried out for imperative reasons of over-riding public interest

[123] Guidance on implementing this policy is currently being prepared in conjunction with NRW.

may be authorised notwithstanding a negative assessment of the implications, subject to notifying Welsh Ministers. Any necessary compensatory measures to protect the overall coherence of the network of SACs and SPAs must be secured. Ramsar sites are important wetland areas designated under the Ramsar Convention on Wetlands of International importance. As with SACs and SPAs, Ramsar sites are underpinned by notification as SSSIs, but are not subject to the Habitats Regulations. However, Ramsar sites should be treated within the planning system in the same way as SACs and SPAs.

Proposed Special Areas of Conservation, Special Protection Areas and Ramsar sites

6.4.19 Sites which have been formally proposed as SPAs, SACs but which are not yet subject to legal protection under the Habitats Regulations, should be treated within the planning system in the same way as if they were legally designated. The same considerations should, as a matter of policy, be applied to proposed Ramsar sites.

Protection for Non-statutory Designations

6.4.20 Although non-statutory designations carry less weight than statutory designations, they can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in development plans and the development management process. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the County Ecologist and third sector environmental organisations. Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be conserved or enhanced, planning authorities should state in their development plans what features or characteristics require this extra protection and why, and explain how the policies will achieve this protection. Assessments should similarly consider the presence of protected and priority species including those on the Section 7 list and appropriate weight attached to their protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate developments, where there are no adverse impacts on the features for which a site is designated.

Maintaining and Enhancing Biodiversity

6.4.21 Planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.

1. The first priority for planning authorities is to **avoid** damage to biodiversity and ecosystem functioning. Where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable **alternative sites** that would result in less harm, no harm or gain have been fully considered

2. Planning authorities should ensure that features and elements of biodiversity or green infrastructure value are retained on site, and enhanced or created where ever possible, by adopting best practice site design and green infrastructure principles. The provision of up to date ecological survey information will assist in this process. Where necessary, planning authorities should seek to **modify** the development proposal through discussion with the applicant at the earliest possible stage. Biodiversity and green infrastructure modifications should draw on the issues and opportunities identified through the Green Infrastructure Assessment.

3. In some circumstances, it will be appropriate to attach planning **conditions, obligations or advisory notes** to a permission, to secure biodiversity outcomes. Planning authorities should take care to ensure that any conditions necessary to implement this policy are, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.

4. When all other options have been exhausted, and where modifications, alternative sites, conditions or obligations are not sufficient to secure biodiversity outcomes, offsite **compensation** for unavoidable damage must be sought:

   a. This should normally take the form of habitat creation, or the provision of long-term management arrangements to enhance existing habitats and deliver a net benefit for biodiversity. It should also be informed by a full ecological assessment before habitat creation or restoration starts.

   b. The Green Infrastructure Assessment should be used to identify suitable locations for securing offsite compensation. Where possible, a landscape–scale approach, focusing on promoting wider ecosystem resilience, should help guide locations for compensation. This exercise will determine whether locations for habitat compensation should be placed close to the development site, or whether new habitat or additional management located further away from the site would best support biodiversity and ecosystem resilience at a wider scale.

   c. Where compensation for specific species is being sought, the focus should be on maintaining or enhancing the population of the species within its natural range. This approach might also identify locations for providing species-specific compensation further away from the site. Where they exist, Spatial Species Action Plans should be used to help identify suitable locations.

   d. Any proposed compensation should take account of the Section 6 Duty (Biodiversity and Resilience of Ecosystems Duty), and the five key ecosystem resilience attributes that it outlines. It should also be accompanied by a long term management plan of agreed and appropriate mitigation and compensation measures.

5. Finally, where the adverse effect on the environment clearly outweighs other material considerations, the development should be **refused**.

Protected Species

6.4.22 The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process. It is considered best practice that screening to determine the presence of protected species should by carried out by a competent ecologist on the basis of data provided by the

relevant Local Environmental Record Centre.[124]

6.4.23 Developments are always subject to the legislation covering European protected species regardless of whether or not they are within a designated site. Proposals for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive. A derogation may only be authorised if there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. The development works to be authorised must be for the purposes of preserving 'public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'. Derogations are granted by a licence issued by NRW who should notify planning authorities when a licence application has been granted. Planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities must take the above three requirements for derogation into account when considering development proposals where a European protected species is present.

Trees, Woodlands and Hedgerows

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling climate change by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking[125].

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

6.4.26 Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities

[124] See Paragraph 6.2.2 of Technical Advice Note 5: Nature Conservation and Planning https://gov.wales/topics/planning/policy/tans/tan5/?lang=en

[125] Tree Cover in Wales' towns and cities see https://naturalresources.wales/media/4123/tree-cover-in-wales-towns-and-cities-2014-study.pdf

should also have regard to the Ancient Tree Inventory.

6.4.27 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs)[126]. They should also be incorporated into Green Infrastructure Assessments and plans.

6.5 Coastal Areas

6.5.1 The interface between land and sea gives rise to the unique characteristics associated with coastal areas. As well as opportunities, these characteristics present their own set of challenges which demand particular considerations and responses.

6.5.2 Identifying and understanding these unique characteristics and their interaction with each other[127], will help to ensure planning approaches in coastal areas are environmentally and economically sustainable, socially equitable and recognise the threat posed by climate change. The Welsh National Marine Plan identifies opportunities for the sustainable development of Wales's seas[128] by guiding new development and related decisions both inshore and offshore. Development plans and the Marine Plan should work together and support integrated decision making and collaboration across marine and terrestrial interfaces and boundaries.

6.5.3 The main planning principles for coastal places, which reflect the principles of Integrated Coastal Zone Management, are to support urban and rural development whilst at the same time being aware of, and appropriately responsive to, the challenges resulting from the dynamic interaction of natural and development pressures in coastal areas. This requires development plan strategies to be ecologically and physically resilient and socially and economically adaptable to change. Taking on board these considerations will ensure development plans and the Marine Plan are complementary.

6.5.4 Landward development pressures may include major developments on the coast, port and harbour works, leisure and recreational facilities, renewable energy generation or coastal defences. Seaward development pressures may include waste disposal, sea fishing, leisure sailing, dredging of navigable channels, water sports and bathing, marine aggregates extraction or tidal and wave power generation. The impacts associated with such activities can be widespread and overlap between sea and coastline. They may relate to inappropriate land use as a result of pressure for services and facilities. They may include impacts on existing businesses and employment as well as effects on the natural and historic character of the coastline and seascape, particularly where there is extensive inter-visibility between land and sea along the coastline.

6.5.5 Climate change exacerbates the challenges faced in coastal places resulting in losses of protected habitat, through 'coastal squeeze', or the loss of features which protect against inundation, such as sand dunes, as well as consequential effects on recreational beaches, people and property. The irreplaceable nature of some coastal habitats should be recognised and protected as finite and rare resources.

[126] Local authorities have a general power to make TPOs if it appears it is expedient to do so in the interests of amenity. They can make a provisional TPO which takes effect immediately, and it can remain effective for six months or until the TPO is confirmed.

[127] Integrated coastal zone management is intended to be a participatory and dynamic process for integrating the policies influencing coastal places. Communication from the Commission to the Council and the European Parliament, 'Integrated Coastal Zone Management: A Strategy for Europe' (COM/2000/547) www.ec.europa.eu/environment/iczm/comm2000.htm

[128] Welsh National Marine Plan https://beta.gov.wales/marine-fisheries

6.5.6 Planning authorities should clearly establish what the coast means for them and develop, or apply, specific policies through their development plans which reflect the characteristics of their coastlines. In doing so they should acknowledge the interrelationships between the physical, biological and land use characteristics of their coastal areas and the impacts of climate change. This will involve considering the potential impacts associated with incremental increases in coastal risks over time as well as any beneficial incremental changes in land use.

6.5.7 For some authorities this may mean identifying areas likely to be suitable for development as well as those subject to significant constraints and considered to be unsuitable for development. Areas subject to constraints or considered unsuitable for development may include those where:

- conservation or enhancement of the natural and historic environment requires development to be limited;
- visual intrusion and inter-visibility between land and sea will need to be carefully considered;
- there are specific policies to be pursued in Heritage Coast areas;
- access to coastal paths should be protected; and
- there may be risks of erosion, flooding or land instability.

6.5.8 In other areas the economic potential of the coast may be unlocked in a sustainable manner[129]. Area Statements and other locally based plans for coastal areas provide relevant information.

Development on the Coast

6.5.9 Development should not normally be proposed in coastal locations unless it needs to be on the coast[130]. In particular, undeveloped coastal areas will rarely be the most appropriate location for development. Where new development requires a coastal location, developed coastal areas will normally provide the best option, provided that issues associated with coastal change have been taken into account. Such issues include the risks of erosion, flooding, land instability, and the preferred approaches to address such risks, and impacts on biodiversity and ecological resilience.

6.5.10 Before permanent and long term developments, including those of regional or national importance, can be granted permission it will be essential to demonstrate that a coastal location is required based on the characteristics of the coastline in question. Where development is considered to be justified it should be designed so as to be resilient to the effects of climate change over its lifetime and not result in unacceptable incremental increases in risk. Where appropriate planning authorities should identify key sites for proposed developments of national or regional importance requiring a coastal location in development plans, particularly where the need for such developments has already been identified. The implications of such allocations are likely to be wide-ranging and may require collaboration beyond administrative boundaries.

6.5.11 Temporary forms of development may not have adverse impacts on coastal characteristics or coastal change yet offer an opportunity to facilitate tourism based activities. Care is needed, however, to ensure risks such as flooding can be acceptably managed, particularly for sensitive uses where occupants may reasonably expect to be safe from coastal risks. The potential for conflict may arise where the impacts

[129] Provisions of the Marine and Coastal Access Act 2009 will have implications for planning authorities in coastal areas of Wales www.opsi.gov.uk/acts/acts2009/ukpga_20090023_en_1

[130] Technical Advice Note (Wales) 14, Coastal Planning, Welsh Office, 1998 www.wales.gov.uk/topics/planning/policy/tans/tan14?lang=en

of sea level rise and development, including coastal management, may impact on inter-tidal habitats or historic assets. Preserving the resilience of such environments should be given appropriate consideration as part of preparing development plans and in making planning decisions.

Designated or Protected Sites on the Coast

6.5.12 Development proposals should aim to protect or enhance the natural or historic character and landscape of undeveloped coastlines. The particular landscapes of the coastline should be recognised and protected where they represent significant characteristics of place. Designation as a heritage coast does not directly affect the status of the area in planning terms, however, the features which contributed to the designation of such areas will be important considerations in development plans and in making development management decisions.

6.5.13 It is important to recognise that on-shore development can have an impact off-shore and often conservation designations will extend below the low water mark whilst planning control does not. Designated marine and coastal areas should be protected where a land based development might have an effect on the reasons for designation, and in preventing any significant unacceptable effects. For estuaries and parts of the open coast, planning authorities and other agencies and interest groups may cooperate to prepare estuary, coastal management plans or seascape assessments. These should complement and be consistent with development policies and Shoreline Management Plans. Collaboration will be necessary to ensure scale, extent and connectivity between sites of nature conservation importance can be maintained and enhanced.

Coastal Change

6.5.14 As part of understanding the characteristics of coastlines it should be recognised that sea level rise, storm surge, wave action and changes in coastal morphology and sediment supply can lead to both direct and indirect effects at the coast. Uncertainty is further exacerbated by the effects of climate change.

6.5.15 Whilst coastal morphology can be a protective feature against sea level rise, storm surge and wave action, the construction of coastal defences can potentially influence sediment supply by transferring the risks of erosion elsewhere. This possibility, given that erosion and the risk of inundation are likely to be exacerbated by climate change, should be avoided. It is not appropriate for development in one location to unacceptably add to the impacts of physical change to the coast in another location.

6.5.16 Shoreline Management Plans are developed by local authorities in partnership with a range of stakeholders and establish long-term local policy frameworks for the management of coastal risk[131]. The priorities contained within them should influence and inform the preparation of development plans. Where it is established that coastal defences will no longer be maintained, development plans should include clear and specific policies to manage development in such areas, including where they feel development would be unsuitable or where specific characteristics should be considered.

6.5.17 Shoreline Management Plans will influence whether development itself can be justified or how it should be designed. Some areas of coastline will be covered by active policies of intervention in Shoreline Management Plans to defend the line and clear timescales will be in

[131] Guidance on second generation Shoreline Management Plans is found at: https://www.gov.uk/government/publications/shoreline-management-plans-guidance

place governing these policies. Other areas, which may already be developed, will not have active interventions associated with defence or may have managed setback[132], or realignment, identified as the appropriate response to inundation. Managed realignment may also be the favoured option in areas of low public exposure to risk or where land values make it difficult to justify public expenditure on engineering works, such as the case in low lying undeveloped coastal areas. Bearing these considerations in mind, proposed development in areas of coastal change should only take place where risks and consequences are understood and can be acceptably managed over the lifetime of the development.

6.5.18 Enabling adaptation to change, including climate change, will be a key consideration and measures to both reduce vulnerabilities and seek opportunities to build resilience in communities should be identified, particularly as part of preparing development plans. The nature of new uses which may be suitable in areas subject to change should be carefully considered, including the impacts of, or opportunities afforded, by making incremental changes in an area. Connections should also be made to strategies for the provision of green infrastructure and sustainable drainage schemes and to wider wellbeing plans to ensure social and economic resilience of settlements and their ability to adapt to change over the long term.

6.5.19 Development should not generally be proposed or permitted in areas which would need expensive engineering works, either to protect developments on land subject to erosion by the sea or to defend land which might be inundated by the sea. Where active interventions are needed in areas which already contain development, a full understanding of the implications will need to be drawn up by the local authority in conjunction with all relevant stakeholders and roles and responsibilities in the process clearly identified.

6.5.20 In considering new coastal defence works, account should be taken of all potential environmental effects, both on and off-shore, including the impacts on habitat fragmentation and consequential 'coastal squeeze', as well as information contained in Shoreline Management Plans and other relevant documents such as Area Statements.

Recognising the Environmental Qualities of Places

6.6 Water and Flood Risk[133]

6.6.1 As well as a direct requirement for life, well planned water services provide a range of benefits and services for society. The water industry itself is a source of green jobs and water services support energy and food production, recreation and tourism and connect homes and businesses to the infrastructure networks upon which they depend. As well as this existing natural ecosystems play an important role in providing water quality and flood management.

6.6.2 Water supply is normally sourced from a water undertaker, but in remote areas private water supplies may be the only viable option.

6.6.3 There are three main types of public drainage (often termed "mains drainage") – foul sewers, surface water sewers and combined systems which convey both. Whilst legislation prohibits surface water discharge to foul sewers, additionally, surface water from new developments should not be discharged to combined systems because of the risk of pollution when combined systems overflow, and because they increase the

[132] National Strategy for Flood and Coastal Erosion Risk Management in Wales, Welsh Government, 2011 www.wales.gov.uk/topics/environmentcountryside/epq/flooding/nationalstrategy/strategy/%3Flang%3Den

[133] Flood and Water Management Act 2010 https://www.legislation.gov.uk/ukpga/2010/29/contents

volume of contaminated water requiring transporting and treating. This is a costly and energy intensive process and contrary to aims for the Welsh public sector to become carbon neutral by 2030.

6.6.4 Public foul and combined sewers are provided by a sewage undertaker and remove contaminated surface water and foul sewage, from a development for treatment and final discharge to the environment. Separate surface water sewers may be provided by a sewerage undertaker or local authority, for example highways drainage and Sustainable Drainage Systems (SuDS), and these discharge directly without treatment. Whatever drainage options are proposed for a development, provisions should be in place for future maintenance in the short and long term.

6.6.5 The Welsh Government aims to secure the provision of water services whilst minimising adverse impacts on the environment, amenity, health and communities, in light of the consequences of climate change. Development which is poorly designed or badly located can exacerbate problems associated with resource depletion, exposure to surface water flooding and diffuse pollution. The planning system should:

- protect and improve water resources by promoting and encouraging increased efficiency and demand management of water as part of new developments, particularly in those areas where water resources may be under pressure or may not be available;
- ensure that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development so as to minimise risk to human health and the environment and prevent pollution at source;
- ensure sustainable drainage systems are an integral part of design approaches for new development; and
- ensure the protection of the quantity and quality of surface and ground water supplies is taken into account as part of development proposals.

6.6.6 The ability of the planning system to protect water features and foster sustainable water management as key attributes of attractive and resilient places to live is closely aligned with securing the multiple benefits of green infrastructure. Embracing integrated approaches should make a contribution toward achieving the requirements imposed by EU Water Framework Directive[134] along with Welsh Government policy for the integrated planning and management of water both in urban and rural areas.

Development and Water Supply[135]

6.6.7 Water resources and quality must be taken into account from an early stage in the process of identifying land for development and redevelopment. The protection of water resources should be based on ensuring sustainable use in the future. Meeting short term needs should be balanced against ability to protect water resources over the long term. This may mean that the location of new development, and its type, requires careful consideration. Water intensive uses may not be appropriate in areas of water shortage and constraint.

6.6.8 New development should be located and implemented with sustainable provision of water services in mind, using design approaches and techniques which improve water efficiency[136] and minimise adverse impacts on water resources, including the ecology of rivers, wetlands and groundwater and thereby contributing towards ecological resilience.

[134] EC Water Framework Directive (2000/60/EC) is implemented in river basin districts within England and Wales through The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 (SI2003/3242) www.opsi.gov.uk/si/si2003/20033242.htm

[135] Water Industry Act 1991 https://www.legislation.gov.uk/ukpga/1991/56/contents

[136] Technical Advice Note 12, 'Design', Welsh Government 2016 www.wales.gov.uk/topics/planning/policy/tans/tan12/%3Flang%3Den

Capacity of Water Supply and Sewerage/ Drainage Infrastructure

6.6.9 The planning system has an important part to play in ensuring that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development. The adequacy of water supply and sewerage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity.

6.6.10 The need to balance the growing demand for water services with the needs of the environment is crucial. Even where there is theoretical capacity, timely investment in infrastructure is required to ensure that new development does not adversely affect water supplies or sewerage drainage systems and have consequential impacts on water quality and surface water flooding.

6.6.11 Effective forward planning mechanisms between water and sewerage companies and planning authorities are essential. Planning authorities should, as far as possible, develop a strategic and long-term approach to infrastructure provision when preparing development plans. This means maximising the use of existing infrastructure and considering how the provision of different types of infrastructure can be co-ordinated. Planning authorities and infrastructure providers must work together closely to achieve the most sustainable outcome.

6.6.12 The capacity of existing infrastructure and the need for additional facilities require early identification when locating future development. Planning authorities should encourage the use of sites where existing water supply and/or sewerage and drainage provision problems can be solved and seek to avoid the use of sites where adequate provision is unlikely to be achieved. A strategic approach with

neighbouring authorities may be needed, particularly where strategic sites or new settlements are proposed.

6.6.13 As part of this, they should consider both the siting requirements of the utility companies responsible for these services to enable them to meet community needs and the environmental effects of such additional uses. Development may need to be phased, in consultation with the relevant utilities providers, to allow time to ensure that the provision of utilities can be managed in a way consistent with sustainable development policies.

Water Quality and Surface Water Flooding[137 138]

6.6.14 Increased rainfall intensity presents challenges for drainage systems, causing surface water flooding and diffuse pollution. The relationship between the various types of drainage infrastructure is complex, for example, some highway drains carry surface water from public sewers and some highway infrastructure discharges into public sewers. Understanding the role which the various types of infrastructure play is important in securing the best approach to avoid both flooding and diffuse pollution. Effective collaboration between drainage, highway and planning authorities will be required.

6.6.15 Drainage authorities should plan strategically for sewerage and drainage systems in the same way as for water supply services, and sustainable places will be those with resilient, well-maintained networks for sewerage and drainage with sufficient capacity to

[137] Schedule 3 Flood and Water Management Act 2010 https://www.legislation.gov.uk/ukpga/2010/29/schedule/3
[138] Water Resources Act 1991 https://www.legislation.gov.uk/ukpga/1991/57/contents

manage the demand placed on them without causing pollution or surface water flooding.

6.6.16 Diffuse pollution and surface water flooding arise as a result of run-off from built surfaces, from potentially polluting development types and through sewage discharges from overloaded sewers or from private infrastructure, for example, septic tanks. Planning authorities should secure better management of drainage and surface water so as to tackle these issues by:

- ensuring sustainable drainage systems are incorporated into development enabling surface water to be managed close to or at source; and
- ensuring connection to the sewer in sewered areas and by minimising the proliferation of private sewage systems.

Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments[139] of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.[140] In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

Development in Sewered Areas

6.6.20 Development proposals in sewered areas must connect foul drainage to the main sewer, and it will be necessary for developers to demonstrate to planning authorities that their proposal site can connect to the nearest main sewer. To ensure consistency of design and facilitate long-term maintenance, sewers should be built to Welsh Government standards and adopted. Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage

[139] From 7 January 2019
[140] Recommended non-statutory standards for sustainable drainage (SuDS) in Wales https://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en

undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and Natural Resources Wales may refuse to issue an environmental permit for private treatment in such circumstances. Developers need an adoption agreement in place before construction commences and should consult sewerage undertakers in the early stages of design and planning.

Development Proposing Non-mains Foul Drainage

6.6.21 Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible[141]. The installation of private sewage treatment facilities within publicly sewered areas is not considered acceptable because of the greater risk of failures leading to pollution when compared to public sewers. Where non-mains sewage proposals, such as septic tanks and or independent sewage treatment systems, are included in development applications they should be subject to an assessment of their effects on the environment, amenity and public health in the locality, in accordance with the criteria set out in Circular 10/99, prior to the determination of the planning application.

Development and Flood Risk

6.6.22 Climate change is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals.

6.6.23 The continued construction of hard engineered flood defences to protect development in areas of floodplain is not sustainable. Government resources for flood and coastal defences are directed at protecting existing developments and are not available to provide defences in anticipation of future development. Account should be taken of shoreline management plans and measures such as managed realignment, the creation of washlands and flood plain restoration as alternatives to engineered flood defences.

6.6.24 Development Advice Maps[142] enable planning authorities to take a strategic approach to flood risk and consider the catchment as a whole by providing a preliminary representation of flood risks, which inform decisions on the location of new development and the requirements necessary to support any applications which may be proposed. Together with flood consequences assessments they should assist understanding of how natural and man-made defences work as integral components of places and provide a means by which the cumulative effects of development can begin to be understood.

6.6.25 Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development.

[141] Welsh Government Circular 008/2018: Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants. https://gov.wales/topics/planning/policy/circulars/welshgovcirculars/wgc-008-2018/?lang=en

[142] Technical Advice Note 15, Development and Flood Risk, Welsh Assembly Government 2004 www.wales.gov.uk/topics/planning/policy/tans/tan15%3Flang%3Den

6.6.26 In areas of flood plain currently unobstructed, where water flows in times of flood, built development should be wholly exceptional and limited to essential transport and utilities infrastructure. Such infrastructure should be designed and constructed so as to remain operational even at times of flood, to result in no net loss of floodplain storage, to not impede water flows and to not increase flood risk elsewhere. TAN 15: Development and Flood Risk should be referred to for further policy advice on development and flood risk. It will be important to note that developments located within flood risk areas remain at risk from flooding even if mitigation measures are applied.

6.6.27 Planning authorities should be aware of the risk of surface water flooding, usually caused by heavy rainfall, and ensure developments are designed and planned to minimise potential impacts. Development should not cause additional run-off, which can be achieved by controlling surface water as near to the source as possible by the use of SuDS. Care should be taken in places of shallow groundwater or where flooding is caused by combined surface and groundwater processes. In such situations direct infiltration SuDs may not be appropriate. Consultation with drainage bodies and NRW should be undertaken and relevant evidence and information drawn from Area Statements taken into account.

6.6.28 New or improved flood defences in coastal and/or riverside locations should be carefully planned, ensuring all potential environmental effects, both on and off-shore, and relevant Shoreline Management Plan policies are taken into account. Flood defence works can provide opportunities to achieve wider social, economic and environmental benefits, which should be maximised where possible. Nature based solutions should be the first consideration given the opportunity to deliver other multiple benefits, including habitat creation, biodiversity enhancement and water quality improvements. Overall, green infrastructure opportunities can benefit ecosystem resilience and provide opportunities for leisure facilities or renewable energy generation.

6.6.29 The ability of emergency services to respond to flood events should be taken into account when considering if a development in a flood risk area is appropriate. This may involve consultation with emergency planners, local resilience forums and other professional partners such as fire rescue, police and ambulance services.

6.7 Air Quality and Soundscape

6.7.1 Clean air and an appropriate soundscape[143], contribute to a positive experience of place as well as being necessary for public health, amenity and well-being. They are indicators of local environmental quality and integral qualities of place which should be protected through preventative or proactive action through the planning system. Conversely, air, noise and light pollution can have negative effects on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible.

6.7.2 National air quality objectives are not 'safe' levels of air pollution[144]. Rather they represent a pragmatic threshold above which government considers the health risks associated with air pollution are unacceptable. Air just barely compliant with these objectives is not 'clean' and still carries long-term population health risks. Nitrogen dioxide and particulate matter, which are the

[143] By which we mean the acoustic environment as perceived or experienced and/or understood by a person or people, in context (ISO definition)

[144] National air quality objectives contained in the Air Quality (Wales) Regulations 2000, as amended by the Air Quality (Wales) (Amendment) Regulations 2002.

pollutants of primary national concern from a public health perspective, currently have no safe threshold defined and therefore the lower the concentration of those pollutants the lower the risks of adverse health effects. It is desirable to keep levels of pollution as low as possible.[145] [146]

6.7.3 Certain sounds, such as those created by trees, birds or water features, can contribute to a sense of tranquillity whilst others can be reassuring as a consequence of their association with the normality of everyday activities. Problematic forms of sound are generally experienced as noise pollution and can affect amenity and be prejudicial to health or a nuisance. Noise action plans[147] drawn up by public bodies aim to prevent and reduce noise levels where necessary and preserve soundscape quality where it is good. Noise levels used to identify priority areas contained in noise action plans are usually set quite high in order to focus resources on the most polluted areas and noise must meet a number of tests before it qualifies as a statutory nuisance. Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990[148] to do so.

Framework for Addressing Air quality and Soundscape

6.7.4 The planning system should maximise its contribution to achieving the well-being goals, and in particular a healthier Wales, by aiming to reduce average population exposure[149] to air and noise pollution alongside action to tackle high pollution hotspots. In doing so, it should consider the long-term effects of current and predicted levels of air and noise pollution on individuals, society and the environment and identify and pursue any opportunities to reduce, or at least, minimise population exposure to air and noise pollution, and improve soundscapes, where it is practical and feasible to do so.

6.7.5 In taking forward these broad objectives the key planning policy principle is to consider the effects which proposed developments may have on air or soundscape quality and the effects which existing air or soundscape quality may have on proposed developments. Air Quality and soundscape influence choice of location and distribution of development and it will be important to consider the relationship of proposed development to existing development and its surrounding area and its potential to exacerbate or create poor air quality or inappropriate soundscapes. The agent of change principle says that a business or person responsible for introducing a change is responsible for managing that change. In practice, for example, this means a developer would have to ensure that solutions to address air quality or noise from nearby pre-existing infrastructure, businesses or venues can be found and implemented as part of ensuring development is acceptable.

6.7.6 In proposing new development, planning authorities and developers must, therefore:

- address any implication arising as a result of its association with, or location within, air quality

[145] Advice can be found in EPUK/IAQM guidance: Land-Use Planning & Development Control: Planning for Air Quality (http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf).
[146] The Welsh Government has published guidance on local air quality management (https://gov.wales/docs/desh/publications/170614-policy-guidance-en.pdf) and consulted on a Clean Air Zone Framework for Wales (https://beta.gov.wales/clean-air-zone-framework-wales).
[147] The Welsh Government has consulted on a noise and soundscape action plan for the period 2018-2023 (https://beta.gov.wales/noise-and-soundscape-action-plan-2018-2023).
[148] Part III Environmental Protection Act 1990.
[149] The number of people exposed to the pollutant as well as the levels to which they are exposed.

management areas, noise action planning priority areas or areas where there are sensitive receptors[150];

- not create areas of poor air quality or inappropriate soundscape; and
- seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.

6.7.7 To assist decision making it will be important that the most appropriate level of information is provided and it may be necessary for a technical air quality and noise assessment to be undertaken by a suitably qualified and competent person on behalf of the developer.

6.7.8 Good design, for example setting back buildings from roads to avoid canyon effects and using best practice in terms of acoustic design[151] to ensure the appropriate and intended acoustic environment of completed developments should be incorporated at an early consideration in the design and planning process. Other mitigation measures must be capable of being effectively implemented for their intended purpose, and could include those related to:

- traffic management and road safety;
- ensuring progress towards a shift to low or zero emissions means of road transport, such as electrical charging points;
- supporting low or zero emissions public transport;
- providing active travel infrastructure; and
- incorporating green infrastructure, where it can improve air quality by removing air pollution and aiding its dispersal, reduce real or perceived noise levels by absorbing and scattering noise and introducing natural sounds to soften man-made noise, provide areas of relative tranquillity, and reduce exposure by putting a buffer between sources of pollution and receptors.

6.7.9 When proposing new strategies for development and when allocating sites in development plans it will be important to avoid instances where incremental development of infrastructure, housing, commercial and industrial development creates or exacerbate health and amenity inequalities by introducing more sensitive receptors into an area or by making existing occupiers more vulnerable to poor air quality or noise. This may particularly be the case when proposing high density developments adjacent to transport hubs or where development pressure to meet short-term needs may have detrimental long-term effects and care must be taken not to exacerbate health inequalities whilst recognising accessibility needs.

6.7.10 Taking a sustainable approach will mean balancing short-term needs against long-term objectives to reduce public exposure to airborne pollution and giving particular consideration to the presence of air quality management areas, noise action planning priority areas and areas with sensitive receptors when proposing new development and particularly when preparing development plans. It will be important to identify wider mitigation solutions to reduce air and noise pollution and to avoid exacerbating problems in existing air quality management areas or noise hotspots through the provision of green infrastructure identified as part of Green Infrastructure Assessments, by the provision of electric vehicle charging infrastructure or through promoting the need to consider effective design

[150] Air quality management areas and noise maps may both be viewed at http://lle.gov.wales/catalogue?t=1&lang=en

[151] For more information on the principles of good acoustic design, readers are referred to Professional Planning Guidance (ProPG) Supplementary Document 2, produced by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health (http://www.association-of-noise-consultants.co.uk/propg/). ProPG has been written principally to assist with the planning process in England, but the design principles put forward in Supplementary Document 2 may also be adopted in Wales.

solutions. Planning authorities should work closely with bodies such as the Public Service Boards in the preparation of their well-being plans and seek input from their own Environmental Health departments.

Understanding and Identifying the Sources of Airborne (Air and Noise) Pollution

6.7.11 Air and noise pollution are often, but not exclusively, emitted from the same sources, notably road transport, commercial and industrial activities. Consequently, areas of poor air quality often coincide or overlap with areas subject to high noise levels. Even where they do not, poor air quality at one location and high levels of noise at a neighbouring location may be related to one another, depending on the characteristics of the place in question, including the way in which people use and occupy places and the way in which traffic is managed in the wider area. Where air and noise pollution are generated from the same source they should be considered and addressed together and links should be made with active travel and other strategies for reducing vehicular use so as to reduce or minimise, pollution and to ensure an appropriate soundscape.

6.7.12 Planning authorities must consider current and future sources of air and noise pollution as part of developing their strategies for locating new development. The pattern of proposed development should be informed by the sensitivity of, and compatibility of, uses in relation to the sources of airborne pollution and the importance of ensuring appropriate soundscapes. Green infrastructure provision will be an important means of addressing the cumulative impacts of air and noise pollution and soundscapes on individuals and society and provide benefits for social and ecosystems resilience.

6.7.13 When developing strategies, proposing or assessing development proposals it will be essential to understand the implications of the transport demand associated with the proposal and the effect this may have now and in the foreseeable future. When proposing to introduce a development activity into an area the impacts which existing pollution sources (including roads, railways and industrial or commercial operations) have in terms of air and noise pollution should be carefully considered, particularly taking into account any increases in pollution levels which may be reasonably expected in the foreseeable future as a result of increased transport activity.

6.7.14 Proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to limit or constrain any effects that do occur. In circumstances where impacts are unacceptable, for example where adequate mitigation is unlikely to be sufficient to safeguard local amenity in terms of air quality and the acoustic environment it will be appropriate to refuse permission.

Location of Commercial, Industrial and other Potentially Polluting Development

6.7.15 For the purposes of this section, potentially polluting development includes commercial, industrial, energy[152] and agricultural or transport infrastructure. Such development should be located in areas where there is low potential for public exposure, or where its impact can be minimised. Novel or new development types may potentially cause pollution and should be carefully considered, and where appropriate, decisions should be based on the precautionary principle.

[152] Further guidance on wind turbine noise assessment can be found in ETSU-R-97 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/49869/ETSU_Full_copy__Searchable_.pdf and further good practice guidance published by the Institute of Acoustics: https://www.ioa.org.uk/publications/wind-turbine-noise

6.7.16 Relevant considerations in making planning decisions for potentially polluting development are likely to include:

- location, including the reasons for selecting the chosen site itself;
- impact on health and amenity;
- effect of pollution on the natural and built environment and the enjoyment of areas of landscape and historic and cultural value;
- impact on groundwater and surface water quality;
- effect on biodiversity and ecosystem resilience, including where there may be cumulative impacts on air or water quality which may have adverse consequences for biodiversity and ecosystem resilience;
- the risk and impact of potential pollution from the development, insofar as this might lead to the creation of, or worsen the situation in, an air quality management area, a noise action planning priority area or an area where there are sensitive receptors; and
- impact on the road and other transport networks, and in particular on traffic generation, particularly where the proposed development is not transport infrastructure itself.

6.7.17 The location of potentially polluting development adjacent to sensitive receptors will be unacceptable where health and amenity impacts cannot be minimised through appropriate design and mitigation measures. It is the overall expectation that levels of pollution should be reduced as far as possible and for this reason the location of potentially polluting development should be taken into account as part of overall strategies in development plans to ensure it can be appropriately located and maximum environmental benefits can be gained through measures such as green infrastructure.

6.7.18 Early consideration is required to ascertain whether the location and design of proposed development is acceptable where air pollution or noise-generating development is likely to affect a protected species, or is proposed in an area likely to affect a statutorily designated site (such as Natura 2000 sites or SSSIs) or a tranquil urban green space (including but not limited to formally designated 'quiet areas') valued for the restorative respite and contact with nature that they offer to residents of busy towns and cities.

Sensitive Development

6.7.19 The health imperative of good air quality and appropriate soundscapes in contributing to the overall character and quality of places and the health and well-being of people and wildlife should be fully recognised. It will not be appropriate to locate sensitive uses, such as hospitals, schools, care homes and housing adjacent to busy roads or other transport routes, where there are no connectivity benefits to be gained and where health and amenity impacts associated with increased exposure of people to pollution will be unacceptable. Whilst some uses may be appropriate with the aid of good design air quality and soundscape considerations can be overriding factors, especially for sensitive uses, if they cannot be adequately mitigated and impacts minimised.

6.7.20 Where sensitive developments need to be located close to existing transportation infrastructure for sustainable movement and access they should be designed, as far as practicable, to limit harmful substances and noise levels within and around those developments both now and in the future. This may include employing the principles of good acoustic design and the inclusion of active travel or travel management measures as part of development proposals. Such development, however, should preferably be located away from existing sources

of significant noise, which may include aircraft noise or roads, particularly new roads or those with programmed route improvements.

6.7.21 Regard should be paid to current air quality and noise levels and the quality of the existing soundscape and account taken of any relevant local air quality action plan, noise action plan and/or local or regional air quality strategy as part of development strategies and proposals in development plans and before determining planning applications.

Soundscapes and Compatibility of Uses

6.7.22 Certain qualities of sound can be associated with particular places and the activities within them. Taking steps to foster the continued longevity of uses and activities which provide wider cultural benefit and experience for people and contribute towards the local economy, both in terms of a vibrancy of place and in creating a space for creativity to flourish, is an important role for the planning system.

6.7.23 When considering the formulation of strategies or individual proposals, bearing in mind the agent of change principle, it will be necessary to identify the nature of the soundscape which exists in an area and the characteristics of the place, or specific activities, which have shaped it.

6.7.24 The potential impacts of noise pollution arising from existing development, be this commercial, industrial, transport-related or cultural venues (such as music venues, theatres or arts centres), must be fully considered to ensure the effects on new development can be adequately controlled to safeguard amenity and any necessary measures and controls should be incorporated as part of the proposed new development. This will help to prevent the risk of restrictions or possible closure of existing premises or adverse impacts on transport infrastructure due to noise and other complaints from occupiers of new developments. It will be important that the most appropriate level of information is provided and assessment undertaken.

6.7.25 Planning authorities should identify areas of cultural or historic importance to be given special consideration in terms of soundscape where this may be necessary to safeguard the vibrancy of places or provide tranquil, restorative environments within busy built-up areas. As well as this, it will be invaluable to identify synergies between the mapping of green infrastructure and the moderating effect the protection of, or provision of, green infrastructure may have in terms of maintaining good air quality and appropriate soundscapes. This will include, but is not limited to, protecting tranquillity, the role of tranquil green spaces such as the 'quiet areas' designated in noise action plans and the benefits of green infrastructure as part of good design.

Managing Potential Environmental Risk Arising through Construction Phases

6.7.26 Planning authorities must consider the potential for temporary environmental risks, including airborne pollution and surface and subsurface risks, arising during the construction phases of development. Where appropriate planning authorities should require a construction management plan, covering pollution prevention, noisy plant, hours of operation, dust mitigation and details for keeping residents informed about temporary risks.

6.8 Lighting

6.8.1 There is a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to:

- protect the natural and historic environment including wildlife and features of the natural environment such as tranquillity;
- retain dark skies where appropriate;

- prevent glare and respect the amenity of neighbouring land uses; and
- reduce the carbon emissions associated with lighting.

6.8.2 Dark sky reserves exist in various parts of Wales, including Snowdonia, Brecon Beacons and the Elan Valley. Dark sky reserves can contribute positively to an area in economic and environmental terms and their characteristics should be taken into account when preparing development plan strategies and policies and when considering individual development proposals.

6.8.3 Lighting to provide security can be particularly important in rural areas or for specific purposes such as defence or to create calming environments. Where this is the case, planning authorities should adopt policies for lighting, including the control of light pollution, in their development plans.

6.8.4 Planning authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems, for example, requiring energy-efficient design and to prevent light pollution.

6.9 Unlocking Potential by Taking a De-risking[153] Approach

6.9.1 Understanding the barriers to unlocking the potential of places, including the transformation or regeneration of an area or the development of a single site, is a key part of achieving sustainable places. Barriers could include dereliction or risks such as flooding, land contamination or instability. A de-risking approach, where the consideration of natural and human-made surface and subsurface hazards and environmental risks is factored in as an integral part of a better understanding of the characteristics of places, should be actively facilitated by planning authorities, with the input of local authority Environment Health departments, whose assistance should be sought at the earliest stage. This means that the role of planning authorities is to facilitate awareness of environmental hazards and risks and to identify opportunities for creative placemaking.

6.9.2 Often surface and subsurface hazard gives rise to both actual and perceived risks. A key principle for planning is that surface and sub-surface risks are understood and can be effectively communicated to both developers, so as to inform investment decisions, and the public and others who may have concerns regarding dereliction, contamination and other physical or chemical constraints affecting land. Taking early action, based on the precautionary principle, not only reduces costs but ameliorates the potential for long term risk to communities and future generations.

6.9.3 An effective approach to de-risking would help to offer reassurance to communities and improve overall well-being by securing safety and health benefits, whilst over the longer term economic costs could be reduced. A de-risking approach:

- would complement nature based approaches, such as securing green infrastructure;
- may contribute towards identifying opportunities for renewable energy resources as part of energy assessments;
- achieve compact, low carbon places, where communities are connected and increased opportunities for active travel provided; and
- may contribute towards pollution reduction, waste prevention and fostering circularity in the economy.

[153] Take steps to make (something) less risky.

6.9.4 The benefits of 'cleaning up' land through the planning process stretch beyond the uplift in land value and reduction of liabilities gained by landowners. There are wider societal and natural resource benefits, particularly on sites where past uses have left a legacy of surface and subsurface hazards. High value uses may be necessary to make investment viable and whilst development objectives can align in some places, in others, re-development potential may be limited.

6.9.5 A de-risking approach is one based on all stakeholders playing their part to enhance transparency and awareness and where data and information is increasingly shared and refined. Creating conditions where plan strategies, policies and proposals are based on existing and known (preliminary) site or area based risk information which can be brought together at a strategic level should facilitate the creation and formulation of better proposals/places and ensure early awareness of potential risks as an integral part of the planning process.

6.9.6 The continual sharing and refinement of information submitted as part of development proposals enables better forward planning, avoids duplication of effort and unnecessary expense at later stages of the process. This does not mean that requirements for detailed site investigation by developers, where necessary, should be curtailed but that strategies and proposals would be based on better awareness and understanding of the constraints which exist in an area and this knowledge base would continue to improve over time. It will still remain the responsibility of developers proposing sites as part of development plans to put forward any necessary preliminary information in support of their proposal and for developers to undertake detailed risk assessment, as required, at the planning application stage.

6.9.7 A de-risking approach could involve, but not be limited to, surface and sub-surface information on PDL and buildings, ground conditions, soil structure, radon, unstable ground, geotechnical issues, land contamination and the location of historical or disused infrastructure and mining legacy. It should facilitate a better understanding about managing potential risk arising but need not be limited to addressing risk, rather it should form part of wider approaches to plan making. It could identify opportunities for sustainable resource management and support decisions on infrastructure requirements. It could also be applied to managing the risks which arise through the construction phases of a development.

Integrated Approaches to De-risking

6.9.8 A de-risking approach can be combined with other development plan strategies, such as securing opportunities for green infrastructure and biodiversity, to realise the potential of places and encourage investment. Development plans or supporting SPG should indicate the general location of known areas of dereliction, contamination, flood risk and unstable ground and other constraints in recognition that early consideration of surface and sub-surface dereliction and risks is a key part of unlocking barriers to growth and ensuring the resilience of places.

6.9.9 A joint approach should be taken in relation to issues which cross administrative boundaries, such as taking a catchment approach towards flood risk where actions across a catchment may have implications at various different locations and scales. Addressing flood risk as part of an integrated approach towards de-risking may be useful where there is a strong imperative to fulfil the regeneration potential of an area.

6.9.10 Development plans should include policies and proposals for the rehabilitation and development of existing derelict sites where development is the preferred response. They may also include specific proposals for allocated sites known as being subject to land contamination or where the site history suggests a potential risk of land contamination as well as the action which may need to be undertaken. As part of bringing known constraints and desk based information together it may be possible, and indeed, advisable to compile a register of sites available for development which would complement other evidence, such as the list of small sites referred to in chapter 4. Such a list could provide details on the likely constraints on each site and preferred beneficial use of land – a brief preliminary risk assessment – which can be accessed by developers to assist them in better establishing risks and proposing appropriate remedial measures. If developers are proposing sites for inclusion in development plans then they would be responsible for providing any supporting information in relation to environmental risks.

6.9.11 Policies for areas of land contamination or instability must be accompanied by the warning that they have been defined on the basis of the best information available to the planning authority, are not necessarily exhaustive and that responsibility for determining the extent and effects of such constraints remains that of the developer. Development plans may indicate that the planning authority will need to be satisfied that any actual or potential contamination can reasonably be overcome.

De-risking Development

6.9.12 The planning system should guide development to reduce the risk from natural or human-made hazards affecting the land surface or sub-surface. The aim is not to prevent the development of such land, though in

some cases that may be the appropriate response. Rather it is to ensure that development is suitable and that the physical, geo-technical, chemical and other relevant constraints on the land, including the anticipated impacts which climate change may have, are taken into account at all stages of the planning process.

6.9.13 When considering development proposals planning authorities should take into account the nature, scale and extent of surface and subsurface hazards which may pose risks to health and environment, to ensure that:

- new development is not undertaken without an understanding of the risks, including those associated with the previous land use, pollution, groundwater, flood risk, subsidence, landslips, rock falls, mine and landfill gas emissions and rising groundwater from abandoned mines;
- development does not take place without appropriate remediation or precautions;
- consideration is given to the potential impacts which remediation of land, including land contamination, might have upon the natural and historic environment;
- development is not allowed if expensive engineering projects, which have implications for the public purse, will be required to serve it, for example, to prevent erosion, or in the case of receding cliffs, if a site is likely to be affected by loss of land to the sea during its lifetime or if it could contribute to pollution at a later date; and
- unstable land is restored to safeguard investment and, where possible, returned to productive use.

6.9.14 Responsibility for determining the extent and effects of surface and subsurface hazards remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners. However, by taking a de-risking approach at the plan level planning authorities will create the conditions for risks to be addressed and opportunities to be gained.

6.9.15 To facilitate the gathering of evidence to inform de-risking approaches planning authorities should seek to require technical, risk based information and evidence from developers which is capable of being put to further use.

Land Contamination

6.9.16 Opportunities offered by the planning system to address land contamination should be maximised as part of its preference for the use of PDL. Whenever development or re-development potential exists the planning system will be the preferred means of addressing potential land contamination.

6.9.17 There are two areas of interface between the planning system and the contaminated land regime. The first is where land is already designated as contaminated land under Part IIA[154] and the owner wishes subsequently to develop the land. The second will be where a development proposal may introduce changes to a site which may result in land potentially meeting the definition of contaminated under Part IIA, where such land would not be considered contaminated in its existing state under the provision of the regime. In both circumstances, the onus will remain with the developer to ensure that the development of the site will remove any unacceptable risks and the planning authority in making development management decisions will need to

[154] Of the Environmental Protection Act 1990

ensure that the land is suitable for its proposed use and would not meet the legal definition of contaminated land under Part IIA.

6.9.18 Planning authorities should take into account the nature, scale and extent of land contamination which may pose risks to health and the environment so as to ensure the site is capable of effective remediation and is suitable for its intended use. In doing so, development management decisions need to take into account:

- the potential hazard that contamination presents to the development itself, its occupants and the local environment; and
- the results of a specialist investigation and assessment by the developer to determine the contamination of the ground and to identify any remedial measures required to deal with any contamination.

6.9.19 Where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed[155]. Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction. If contamination cannot be overcome satisfactorily, the authority may refuse planning permission.

6.9.20 Ensuring that remediation measures are implemented to required standards is essential and planning authorities will require proof, in the form of a validation/verification report, or equivalent, that this has occurred. For example, if a property is at risk from the migration of underground gases then a validation/verification report should contain a test certificate demonstrating that it has been constructed with gas membranes which have been correctly installed, and the risks adequately mitigated.

6.9.21 When planning permission is granted, a notice should be issued to inform the applicant that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. It should also advise the applicant that, although the planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from contamination[156].

Physical Ground Conditions and Land Instability[157]

6.9.22 The development of greenfield sites or the intensification of development in areas already developed can result in instability which may affect both the development itself and the land surrounding it.

6.9.23 When considering development proposals planning authorities should take into account the nature, scale and extent of ground instability which may pose direct risks to life and health, buildings and structures, or present indirect hazards associated with ground movement, including mine entry collapse, which provide potential pathways for the migration to

[155] Refer to NQMS Standards https://www.claire.co.uk/projects-and-initiatives/nqms

[156] Welsh Office Circular 22/87, Development of Contaminated Land https://gov.wales/topics/planning/policy/circulars/welshofficecirculars/circular2287/?lang=en

[157] Appendix A (Causes of Instability) and Appendix B (Sources of Information) of PPG14, 'Development on Unstable Land', 1990, remain in force in Wales until superseded by a Technical Advice Note https://beta.gov.wales/planning-policy-guidance-note-14-development-unstable-land

the surface of landfill or mine gases. Slopes, embankments, cuttings and underground cavities can themselves be put at risk from inappropriate neighbouring development and, where relevant, land stability should be addressed and appropriate mitigation measures secured to protect both existing assets and proposed development itself.

6.9.24 Made ground, the presence of tips and shallow coal workings are extensive in some parts of Wales and their proximity to the surface could present potential instability risk to future development. Information on shallow working has been published by the Coal Authority, alongside data on mine entries, adits and surface hazards.

6.9.25 Planning decisions will need to take into account:

- the potential hazard that instability could create to the development itself, to its occupants and to the local environment; and
- the results of a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability.

6.9.26 Any planning application in coal mining consultation areas may need to be accompanied by a coal mining risk assessment report, or equivalent. Any works which may intersect coal mine workings, mine entries or coal seams may have implications for mine gas, spontaneous combustion and surface collapse and liaison with the Coal Authority must take place.

6.9.27 Where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission.

6.9.28 When planning permission is granted, a notice should be issued to inform the applicant that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. It should also advise the applicant that although the planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability.

OGL © Crown copyright 2018 WG28723
Digital ISBN 978-1-78964-408-1 Print ISBN 978-1-78964-410-4

Annex A The legislative context for planning in Wales

Primary legislation

A1 The main items of primary legislation relating to land-use planning are:

- the **Planning (Hazardous Substances) Act 1990** – established special controls over hazardous substances on land;
- the **Planning (Listed Buildings and Conservation Areas) Act 1990** – makes provision for the listing of buildings of special architectural or historic interest, the designation of conservation areas and the exercise of planning functions in relation to these;
- the **Town and Country Planning Act 1990** – the principal Act regulating the development and use of land in England and Wales;
- the **Planning and Compulsory Purchase Act 2004** – introduced the Local Development Plan system in Wales, a statutory duty requiring the Welsh Ministers to prepare the Wales Spatial Plan and local planning authorities to have regard to the Wales Spatial Plan when preparing a Local Development Plan, and made other reforms to development management provisions in the Town and Country Planning Act 1990;
- the **Planning Act 2008** – introduced further reforms to development management; and
- the **Planning (Wales) Act 2015** – amended the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 to introduce a number of reforms to strengthen development planning, including the introduction of the National Development Framework in place of the Wales Spatial Plan and provisions for the establishment of Strategic Planning Panels to prepare Strategic Development Plans. It made other improvements to the development management and enforcement systems and provided for nationally significant development applications to be made to the Welsh Ministers instead of to local planning authorities as Developments of National Significance.

Subordinate legislation

A2 The main items of subordinate legislation are:

- the Town and Country Planning (Use Classes) Order 1987 (the Use Classes Order) (SI 1987 No 764);
- the Town and Country Planning (Control of Advertisements) Regulations 1992 (SI 1992 No 666);
- the Town and Country Planning General Regulations 1992 (SI 1992 No 1492);
- the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) (SI 1995 No 418);
- the Town and Country Planning (Trees) Regulations 1999 (SI 1999 No 1892);
- the Town and Country Planning (Local Development Plan) Regulations 2005 (SI 2005 No 2839) (W 203);
- the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) (SI 2012 No 801) (W. 110);
- the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (SI 2016 No 53) (W 23);
- the Developments of National Significance (Procedure) (Wales) Order 2016 (SI 2016 No 55) (W 25);
- the Developments of National Significance (Wales) Regulations 2016 (SI 2016 No 56) (W 56); and

- the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (SI 2017 No 567) (W 136).

Other relevant legislation

A3 Other pieces of legislation which have an impact on the planning system are:

- the **Ancient Monuments and Archaeological Areas Act 1979** – makes provision for the investigation and protection of assets of archaeological or historical interest and the regulation of operations or activities affecting them;
- the **Human Rights Act 1998** – gives effect to the rights and freedoms of individuals and communities set out in the European Convention of Human Rights. The Act makes it unlawful for a public authority to act incompatibly with the European Convention on Human Rights (ECHR) except where, as a result of primary legislation, it could not have acted differently;
- the **Commons Act 2006** – makes provisions about common land and town or village greens;
- the **Government of Wales Act 2006** – sets out the Welsh Ministers' duty to make appropriate arrangements with a view to securing that their functions are exercised with due regard to the principle that there should be equality of opportunity for all people and to make appropriate arrangements to promote sustainable development;
- the **Children and Families (Wales) Measure 2010** – places a duty on local authorities to secure sufficient play opportunities for children;
- the **Active Travel (Wales) Act 2013** – requires the Welsh Ministers and local authorities to take reasonable steps to enhance the provision made for, and to have regard to the needs of, walkers and cyclists;
- the **Housing (Wales) Act 2014** – introduced new legislation for improving the supply, quality and standards of housing in Wales, including by requiring local housing authorities to carry out an assessment of the accommodation needs of Gypsies and Travellers and to meet those needs in their areas;
- the **Well-being of Future Generations (Wales) Act 2015** – places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. Further information on this issue is provided in the next chapter;
- the **Environment (Wales) Act 2016** – requires that the national natural resources policy is taken into account by the Welsh Ministers in the preparation of the National Development Framework and for local planning authorities to have regard to area statements in the development of Local Development Plans. The Act makes provision to improve procedures for the collection and management of waste and confers powers on the Welsh Ministers to set targets for reducing emissions of greenhouse gases;
- the **Historic Environment (Wales) Act 2016** – makes provision for the protection and sustainable management of the historic environment, introducing measures giving more effective protection to listed buildings, establishing historic environment records for local authority areas and establishing an Advisory Body for the Welsh Historic Environment; and
- the **Public Health (Wales) Act 2017** – sets out provisions for making improvements to health including for the Welsh Ministers to publish a national strategy on tackling obesity and to make regulations about the carrying out of health impact assessments by public bodies.

Annex B

The national sustainable placemaking outcomes and their relationship to PPW Themes and Well-being Goals

OUTCOMES A Sustainable Place ...	Strategic & Spatial Choices	Active & Social	Productive & Enterprising	Distinctive & Natural	Globally Responsible	Prosperous	Resilient	Healthier	More Equal	Cohesive Communities	Vibrant Culture
Maximising Environmental Protection and Limiting Environmental Impact											
Has resilient biodiversity and ecosystems	●			●	●		●	●	●		
Has distinctive and special landscapes	●			●		●	●	●	●	●	●
Has integrated green infrastructure	●	●	●	●	●	●	●	●	●	●	●
Has appropriate soundscapes	●			●		●	●	●	●	●	●
Reduces environmental risks	●			●		●	●	●			
Manages water resources naturally	●	●	●	●	●			●	●	●	
Has clean air	●	●	●	●		●	●	●	●	●	
Reduces overall pollution	●	●	●	●	●	●	●	●	●	●	
Is resilient to climate change	●	●	●	●	●	●	●	●	●	●	●
Has distinctive and special historic environments	●			●		●		●			●
Facilitating Accessible and Healthy Environments											
Has accessible and high quality green space	●	●		●			●	●	●	●	
Is accessible by means of active travel and public transport	●	●	●	●	●	●	●	●	●	●	
Is not car dependent	●	●	●		●	●	●	●	●	●	
Minimises the need to travel	●	●	●		●	●		●	●	●	
Provides equality of access	●	●				●		●	●	●	●
Feels safe and inclusive	●	●	●			●		●	●	●	●
Supports a diverse population	●	●	●			●		●	●	●	●
Has good connections	●	●	●			●		●	●	●	
Has convenient access to goods and services	●	●	●			●		●	●	●	
Promotes physical and mental health and well-being	●	●	●	●		●		●	●	●	●

OUTCOMES **A Sustainable Place ...**	Strategic & Spatial Choices	Active & Social	Productive & Enterprising	Distinctive & Natural	Globally Responsible	Prosperous	Resilient	Healthier	More Equal	Cohesive Communities	Vibrant Culture
Making Best Use of Resources											
Makes best use of natural resources	●	●	●	●	●	●	●				
Prevents waste	●		●	●	●	●	●				
Prioritises the use of previously developed land and existing buildings	●	●	●			●	●	●		●	
Unlocks potential and regenerates	●	●	●	●		●	●	●	●	●	●
Is of high quality and built to last	●	●	●	●	●	●	●				
Growing Our Economy in a Sustainable Manner											
Fosters economic activity	●	●	●			●			●	●	
Enables easy communication	●	●	●			●	●	●	●	●	
Generates its own renewable energy	●		●		●	●	●				
Is vibrant and dynamic	●	●	●	●		●	●	●	●	●	●
Is adaptive to change	●	●	●	●		●	●			●	
Embraces smart and innovative technology	●	●	●			●	●		●	●	
Creating and Sustaining Communities											
Enables the Welsh language to thrive	●	●				●			●	●	●
Has appropriate development densities	●	●	●	●		●	●	●		●	
Has homes and jobs to meet society's needs	●	●	●			●		●	●	●	
Has a mix of uses	●	●	●			●	●	●	●	●	●
Offers cultural experiences	●	●	●	●		●	●	●	●	●	●
Has community based facilities and services	●	●				●		●	●	●	

gov.wales