



RTPI Cymru
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e-mail response sent to: planconsultations-i@gov.wales

Dear Sir/Madam,

Response to: Subordinate Legislation Consolidation and Review

The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 25,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,100 members. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

The response has been formed drawing on the expertise of the RTPI Cymru Policy and Research Forum which includes a cross section of planning practitioners from the private and public sectors and academia from across Wales.

Thank you for the opportunity to contribute our views to the above consultation. Our comments are set out below.

Part A Proposals

In relation to proposals set out around the Use Classes Order Part A (A3/A4/A5 proposals), these generally appear logical overall and seem to follow evidence and research.

Our city and town centres of Wales represent key components of the Welsh economy and society. They contain a large proportion of our heritage through their historic buildings, and their local distinctiveness is a key element of the self-perception of our local communities.

We are aware of the many factors impacting on our high streets and centres, such as the increasing reduction in retail floor space that we are seeing because of trends such as online shopping.

Planning has an important role to play alongside other stakeholders in creating sustainable places for people to live, work and enjoy.

Evidence and learning from initiatives such as Welsh Government's [Business Improvement Districts \(BIDs\) initiative](#) should be taken into account as part of this consultation exercise.

We understand that all Local Authorities in Wales were asked to consider how a BID could make a difference to their local economy in consultation with businesses and the wider community. This in itself could prove useful information for this work.

We note that the night-time economy is also given consideration as part of this consultation. In many places the night-time economy represents a significant element of local economic activity and employment, and can play a role in regeneration initiatives. However, the night time economy can adversely affect other elements of the local economy, as well as social and environmental considerations.

The [Vibrant and Viable Places, Welsh Government Regeneration Programme](#) has seen a focus on a diversification of town centres and has delivered housing schemes within town centres. The issue of how night time uses interact with people who live in city centres is an important one. More recent policies are seeing a wide demographic being encouraged to live in town centres and there are a number of cases where well established night time uses have been shut down (music related) following the creation of residential accommodation close by. Policies clearly need to be flexible enough to allow our town centres to 're-invent themselves' whilst providing enough protection for our primary and secondary retail frontages, the viability of core areas, and for a growing number of people who will be living in our centres.

In relation to the specific questions and proposals we have the following observations:

Part 2: Minor Operations

- **Q26: Do you agree with the permitted development proposals for electric vehicle charging infrastructure?**

In relation to Permitted Development for electric vehicle infrastructure (upstands), we would suggest the height is lowered to 1.3m or move to a volume based Permitted Development, to encourage lower impact on the street scene. The Permitted Development requirement should also exclude any illuminated electric vehicle charging point. We believe that the Permitted Development should encourage design innovation to reduce impact on street scene. Siting should take into account impact on the street scene, weigh up conflicting demands for limited street space, reducing the impact of clutter on the public realm and mitigate the impact on residential amenity etc. Further consideration of the impact on Conservation Areas is required, and whether there should be further restrictions on equipment in Conservation Areas?

Car Showrooms

- **Q31: Do you agree that permitted development rights for the change of use of car showrooms should not be restated in the consolidation GPDO?**

We support the removal of Permitted Development rights for a change of use of car showrooms.

Mast Height – Ground Based

- **Q34: Do you agree with the proposed increases in height for the installation, alteration or replacement of a mast on protected and unprotected land?**

We raise concern at the proposal to further increase height for new or replacement masts on protected and unprotected land. The current system and height provides adequate control of what are often very sensitive developments. An increase from 15m to 20m for new masts may have significant implications for National Park/Areas of Outstanding Natural Beauty (AONBs) and Conservation Areas, and may be detrimental to some Sites of Special Scientific Interest, currently protected by the

existing height. The increase in height from 20m to 25m in non-protected areas may also have significant implications for the receiving landscape/townscape and potentially seascape.

Mast Width

- **Q35. Do you agree with the change to mast width described in relation to the alteration or replacement of a mast?**

We raise concern at the proposed changes to mast width, for the reasons given above.

Emergency Access

- **Q41. Do you agree to an increase in the time from 6 months to 18 months, where land may be used in an emergency to station and operate moveable electronic communications apparatus required to replace unserviceable equipment?**

We raise concern at the proposed increase in time from 6 months to 18 months for the emergency stationing of moveable electronic communications apparatus. This is a considerable increase in the length of time for unregulated and often significant infrastructure to be located in prominent locations.

Renewable Energy Generation

- **Q53: Do you agree no change is required to the conditions for non-domestic ground based solar PV or thermal developments?**

We note that no change is proposed, however the conditions include to be “sited, so far as practical, so as to minimise its effect on the external appearance of the building/amenity of the area”. This appears highly subjective and we query how it is applied in practice?

Small Scale, Low Risk Hydro power

- **Q58: Do you agree with those areas where permitted development rights for hydropower schemes would not apply?**

We note references to Environmental Impact Assessment (EIA). We question whether it is necessary to specifically refer to EIA in a condition as the EIA Regulations remove Permitted Development rights for relevant developments (i.e. this condition already applies to the GPDO).

We would raise implementation issues in relation to the current wording. For example “the scheme would be likely to harm any land-based ecological habitats or species protected under the Conservation of Habitats and Species Regulations 2011 (as amended) and other primary or secondary nature conservation legislation”. Again, this could be highly subjective and impact on many schemes, therefore further clarification around this criteria would be useful.

- **Q59: Do you agree with the proposed non - spatial limitations where permitted development rights for hydropower schemes would not apply?**

We query whether it is possible to link Permitted Development rights to the non-spatial limitations listed and how this would be done prior to commencement of development without a Prior Notification Procedure? We also raise concern regarding the impact of this proposal in National Parks, AONB's and other protected areas.

- **Q60. Do you agree with these conditions relating to minimising the visual/environmental impact of the intake structures and the header tank elements?**

In relation to the proposed wording “the intake structure is fully prefabricated with no requirement for pouring concrete or grouting works onsite”. Does this include levelling cement/concrete to secure the pre-fabricated structure in place? This aspect and other necessary details could be clarified in a Practice Guidance Note.

- **Q61: Do you agree with these conditions to minimise the visual impact of the pipelines?**

In relation to finish, it would be useful to add corrugated metal for the roof as this is in keeping with some situations. The proposed 125m distance on visual impact is dependent upon topography and screening and a very site specific issue.

If you require further assistance, please contact RTPI Cymru on 029 2047 3923 or e-mail Roisin Willmott at walespolicy@rtpi.org.uk

Yours sincerely,



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Director
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