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9 August 2023

e-mail response sent to: SeneddClimate@senedd.wales

Dear Sir/Madam,

Response to: Infrastructure (Wales) Bill

The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 27,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,300 members. The Institute seeks to advance the science and art of planning, working for the long-term common good and well-being of current and future generations. The RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

Thank you for the opportunity to respond to the above inquiry. We welcome the Infrastructure (Wales) Bill, that will facilitate projects that are vital in adapting, and mitigating against climate change. The existing Welsh consenting process is complex, with decision-making powers across different consenting regimes split between Local Planning Authorities (LPAs), Welsh Ministers and the UK Government's Department of Energy Security and Net Zero (DESNZ) and Natural Resources Wales (marine licensing). RTPI Cymru has long called for a regulatory framework to enable an effective infrastructure consenting regime to support decision making on large infrastructure projects, providing structure and clarity to the delivery of much needed infrastructure, which takes account of the needs of communities. The recent rise in renewable energy applications on the Development of National Significance (DNS) register is one indicator of the increasing volume of infrastructure applications coming down the line. We would expect this to continue, as targets and policy continue to change to address climate change.

RTPI Cymru largely supports the ambition and principles of the Bill. The integration of multiple consent applications into a singular consent would appear to have many

advantages and benefits. However, we recognise that it is the detail set out in future secondary legislation that will shape the day to day consenting processes and procedures. In developing this detail, it will be important to not lose sight of the aim of this Bill, which is to provide “simplified and efficient consenting arrangements”.

Planning cannot work effectively in isolation. Tackling infrastructure challenges individually, or on a sector-by-sector basis, is a highly inefficient process. RTPI Cymru therefore supports evidenced and adequately resourced proposals that create a more joined up approach to infrastructure delivery.

We recognise that the geography of Wales raises unique issues in relation to infrastructure planning, for example, in relation to energy, the availability of existing grid infrastructure in Mid Wales is problematic, impacting on onshore wind development and could affect other renewables such as the deployment of electric vehicles etc. required to decarbonise transport. Both new and upgraded grid infrastructure is required, raising issues for both renewables seeking to connect into the system, but also investment for projects that will create a demand for electricity.

RTPI Cymru has the following observations to make in response to the proposals in general, and more specifically in relation to option 2, the preferred option, set out in the Infrastructure (Wales) Bill. Our comments cover general principles, enforcement, potential barriers and unintended consequences:

Resource, capacity and skills

For the planning system in Wales to fulfil its statutory duties and deliver quality placemaking there is a critical need for more investment. LPA departments are significantly underfunded, and research shows that planning services are suffering most severely of all local government services due to budget cuts.

In 2019, Audit Wales published a report on a national review of the planning system in Wales ([The effectiveness of local planning authorities in Wales | Audit Wales \(wao.gov.uk\)](https://www.wao.gov.uk/publications/the-effectiveness-of-local-planning-authorities-in-wales/)). Overall, the review highlighted a planning system that was struggling to deliver against the ambitions of the Planning (Wales) Act 2015, to implement national policy, and unlock the value planning has to offer.

Planning services in Wales have seen drastic budget cuts over the last decade, leading to the stretching of planning officer capacity and a decrease in skills in key areas, as found by the Audit Wales Report (2019). Problems have been further exacerbated by a drop in the number of trainees entering the profession in the public sector. RTPI Cymru’s Big Conversation ([big-conversation.pdf \(rtpi.org.uk\)](https://www.rtpi.org.uk/big-conversation/) January 2023) found high levels of planners being overstretched in their work with this having a significant impact on well-being. The Big Conversation survey found:

- 61% of all respondents reported being overstretched at least several times a week;
- 74% of LPA officers felt overstretched;
- 21% of all respondents felt they were overstretched all of the time.

It is equally essential the strain within the wider public sector which supports the planning system, is recognised as part of this discussion. Sufficient resourcing of public bodies, investment in key skills and specialisms and effective and efficient consenting processes are all important aspects of meeting targets. In response to RTPI Cymru's Big Conversation, respondents noted the inability of planning's supporting functions to "source and retain staff", notably biodiversity and drainage. This is having a significant impact on the planning system and the delivery of quality development. Respondents to the survey called for high quality, timely input from both specialist and statutory consultees, including Natural Resources Wales (NRW), Cadw etc.

Certainty in terms of consenting timescales is welcomed, this is currently the case with the DNS regime, which also includes statutory determination timescales. However, while addressing timescales and certainty is important, we believe that resourcing and expertise in the public sector, including Welsh Government, PEDW, LPAs and Local Authorities more widely e.g. Highways Departments, NRW and other statutory consultees, is currently a key barrier to the timely decision making and delivery of projects, which if addressed and resourced adequately would in turn impact on timescales, certainty and quality.

RTPI Cymru believes that efforts to deliver a more efficient and effective service should focus on long term adequate resourcing, capacity, skills and workforce development. RTPI Cymru is asking Welsh Government to support the introduction of a Town Planning Apprenticeship scheme as a means to encourage more into the planning profession. We would also suggest for example, that developing project management skills could be an effective means of ensuring that applications are processed to a high standard in a timely fashion. RTPI Cymru are currently working with Neil Harris at Cardiff University on a project that is looking at 'Making the most efficient and effective use of existing planning resources in Wales'. The project will explore if and how public sector planning organisations are being driven to innovate and examine their efforts to make more efficient use of existing resources. The scope of the project extends to the statutory planning system, including development management, development plan preparation, and planning support and administration. The primary focus is on LPAs, yet any innovation or actions to drive efficiency in other public sector organisations is also in scope. This work builds on RTPI Cymru's work around the Big Conversation. The project report is expected to be published in November 2023.

We would urge further clarity at the earliest opportunity on how the transitional arrangements from DNS to Significant Infrastructure Projects (SIP) will work in practice. The transition to the new process needs to be clear and straightforward for all parties, particularly given current resources are already stretched, impacting on the well-being of planners.

Costs and fees

As discussed above, resourcing in its widest sense is a fundamental issue that must be addressed.

The ring fencing of fees for LPAs to help improve the planning service is an issue that has been widely discussed, and could be considered as part of a long term package of measures to support planning services, alongside recruitment, training etc. However, since the

introduction of DNS by the Planning (Wales) Act 2015, planning authorities in Wales have reported a significant loss of fee income. While a fee is received by the LPA in relation to the Local Impact Report (LIR), we are aware of a number of cases where this fee does not cover the estimated costs incurred by the LPA, taking into account planning officer time and time spent by other local authority staff including ecologists, landscape officers, historic building / conservation officers, highways and public protection staff. Equally, we believe it is unlikely that this fee would cover any external consultant resource that LPAs need to buy in, where they do not have in-house expertise.

We note that Table L of the Explanatory Memorandum (page 80) and further text in paragraphs 8.99, 8.103, 8.109 and 8.114 proposes that Welsh Government (including PEDW) will have all costs reimbursed, while LPAs will have some costs reimbursed (£38,900 reimbursed) they are estimated to have additional costs of £21,200 per annum. We also note the detail in Paragraph 8.109 on the costs associated with general participation in Infrastructure Consent (IC) examination, such as providing evidence at hearings. Therefore LPAs will get costs associated with LIRs reimbursed, but not other costs such as preparing for and attending inquiries.

We question why provision is not made for LPAs to be reimbursed all costs. We would suggest, given current resources and capacity within the planning system that this proposal be revisited. It is vital that LPAs and their supporting services are fully supported and adequately resourced if they are to provide an efficient and effective service. There has been wide support from sectors and bodies outside planning, for more resources for planning services. Recognising the strain that LPAs are under, a variety of organisations have given their support for resourcing of planning services to ultimately provide an improved service.

In relation to costs, there does not appear to be an increase in the cost of producing LIRs. Again we would suggest this is revisited to ensure this is in line with the full cost that is being incurred by LPAs. Equally, there will be many other officers from other disciplines within the LA that will contribute to the report along with external consultants, where there is a shortage of in-house expertise. A local authority wide, team approach is required for joined up infrastructure planning and therefore, both planning and non-LPA costs therefore need to be recognised in the Bill, acknowledging the importance of all contributions to the process, including highways, drainage etc.

It is unclear how the LPA savings are calculated. We note that other consenting regimes will no longer be needed and therefore the cost of administering those will be subsumed within the infrastructure consenting process, however professional officer input is still required, incurring time and cost to that department and there will no longer be a fee for the separate planning applications.

We also note that page 88 of the Explanatory Memorandum, predicts a cost saving for statutory consultees as a result of an amalgamation of consenting regimes under the proposed infrastructure consenting process. While we understand streamlining should reduce costs, the volume of information provided to support planning applications, marine

licenses, other permits and consents is unlikely to reduce. We must recognise the strain that statutory consultees are already under, and while some procedures would be dropped under the Bill, their professional input will still be required and must be supported.

Joint working

A combination of sufficient officer capacity and the right skills are required not only to deliver planning functions, but also to ensure that land use plans are fully integrated with other local authority strategies and plans, such as Local Transport Plans (LTPs) and Active Travel Network Maps, ensuring that planning decisions support the wider vision. This is particularly key in relation to infrastructure delivery.

RTPI Cymru supports the proposal of a 'one stop approach', with a unified consenting process to manage multiple consents. Many stakeholders have been frustrated by further procedure requirements not understanding that they were separate to planning. A more joined up approach at this stage will provide clarity for stakeholders and the public in general. However, Local authority resourcing is, yet again, key to the success of this proposal. We note that the table at page 10 of the Explanatory Memorandum sets out a comparison of the advantages of using existing consenting regimes against the advantages of introducing bespoke consenting arrangements. It would be useful to also consider resourcing around this proposal and be clear on what Local Authority officers require to support them in providing an efficient and effective one stop approach, including the need for specialist knowledge and skills and time capacity, etc., and again recognising that the wider public sector, alongside LPAs are currently struggling to meet expectations:

“Performance relies on the speed of our consultees such as Highways and Ecology and these local authority departments are also struggling with resources and recruitment which means that they cannot respond quickly or in full and this impacts on LPA services both in terms of the ability to provide timely and informed decisions and the perception of the planning process by customers.” (Big conversation report page 15)

Accessing a pool of experts, similar to the existing minerals and waste resource, is something that has been frequently raised. While this is linked to wider resourcing, it would be interesting to hear if and/or how this might support the ambitions of the Bill, and planners work more widely, albeit recognising the importance of local knowledge and services/place within decision making.

Supporting planners, through training, to better understanding any new policy and guidance would help to ensure that legislation is implemented as planned and its delivery on the ground is not compromised.

Paragraph 8.226 of the Explanatory Memorandum states that “Option 2 ... provides for enhanced community engagement”. It is worth noting the importance of this in the process from this early stage. Recognising the need to build meaningful engagement into the process.

Evidence and baseline information

We note that page 11 of the Explanatory Memorandum sets out categories of infrastructure which a new and unified process is mainly expected to capture. These being energy, transport, waste and water, “with minimum thresholds requiring only the most significant infrastructure to be included”.

Further clarity is required in respect of the evidence base behind the thresholds. It would be useful for all parties to understand the evidence and thinking behind these thresholds and if consideration was given to scale and impact, rather than a standard measure? For example:

- In relation to highways in particular, we question whether the highways thresholds would be likely to take in active travel provision, as currently worded, and if so, is this threshold appropriate?
- We note the optional SIP thresholds at column B of Annex 3 and question whether the optional threshold is likely to cause ambiguity in the system?

Planning for infrastructure was raised at the RTPI Cymru / National Infrastructure round table on the ‘Exploration of the Development of Placemaking since Devolution in Wales’. It was suggested that there is a lack of clear, robust surveys on what infrastructure is needed and when to provide the evidence base. It was equally felt that Welsh Government’s infrastructure strategies should play a stronger role in integrating with the development, at all levels, including Future Wales, emerging Strategic Development Plans and Local Development Plans. The Bill is being advocated as a transformative mechanism towards achieving net zero and supporting mitigation for the climate change emergency and therefore policy needs to align to support this.

We note that S53(2) (Duty to decide applications in accordance with statutory policies) provides that where there is incompatibility between a provision in a relevant policy statement and either a provision in the National Development Framework for Wales or a provision in a marine plan, the application must be decided in accordance with the relevant policy statement. It is important that infrastructure policy statements do not undermine Future Wales which is now the established national strategic spatial plan for Wales. To support a simplified and efficient consenting process the national documents must be kept up to date, align and support the decision making process.

We note there is no reference to future technologies in the Bill, such as production and transport of hydrogen. Technology can move at pace and future proofing the Bill is important in this respect. Should these be explicitly referenced in the Bill or are the provisions for seeking a project to be designated as a SIP sufficient? Further clarity would be useful.

Enforcement

We note the Bill allows for both Welsh Minister and LPAs to take enforcement action. We assume this relates to paragraph 4.20, which refers to previous consultation responses that supported “designating the LPA as the main onshore enforcement authority, with the Welsh

Ministers as the relevant authority offshore". Further clarity is required in this respect to avoid confusion.

Although we note that the number of enforcement cases is anticipated to be minimal for the proposed infrastructure consenting applications, it is important to recognise the potential magnitude of costs and officer time at the enforcement stage for LPAs, for example legal challenges can be prolonged, costly and often involve multi officer/agency input, including senior staff.

If you require further assistance, please contact RTPi Cymru on 020 7929 8197 or e-mail Roisin Willmott at walespolicy@rtpi.org.uk

Yours sincerely,



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Director