

Consultation Response

Consultation: Planning Law in Wales

By: The Law Commission

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About the Chartered Institute of Building

The Chartered Institute of Building (CIOB) is at the heart of a management career in construction.

We are the world's largest and most influential professional body for construction management and leadership, with 50,000 members in more than 100 countries. In Wales, we have around 5,000 members and a number of employed staff based in Wales to ensure we meet the needs of the nation. We are also guided by an active 'Hub' in Wales that is made up of CIOB members, working on a voluntary basis, and headed up by a Chairman.

We have a Royal Charter to promote the science and practice of building and construction for the benefit of society, and we've been doing that since 1834. Our members work worldwide in the development, conservation and improvement of the built environment.

We accredit university degrees, educational courses and training. Our professional and vocational qualifications are a mark of the highest levels of competence and professionalism, providing assurance to clients and other professionals procuring built assets.

This response has been informed by the CIOB Hub in Wales.

Consultation Response

General

- The CIOB welcomes steps taken to simplify planning law. However, many in the built environment feel the industry is under constant external pressure to deliver the lowest common denominator and lowest possible costs, without understanding the long term impact and true value of many more aspects of the built environment that is difficult or impossible to measure, such as biodiversity, health and wellbeing, open space, the circular economy, as an example. This could possibly be exacerbated by removing all checks and balances that planning does provide, so the optimal approach should be taken. The CIOB is looking to develop a tool for policy makers later this year where the wider benefits of construction investment decisions are outlined and can be taken into consideration. For example, the impact good quality design and build has on health, social mobility etc. We would be happy to outline this in further detail as necessary.
- At present the planning system does not work in proportion to the size of the project and can act as a barrier to smaller developers being able to compete. This is especially true in the housing arena where there is a high level Welsh Government strategy for 20,000 homes to be built. This could end up being reliant on the 'big 6' housing developers. This approach should change to enable the whole of the Wales-based construction industry, a majority of who are micro and SME with less than 13 staff, to be afforded the opportunity to deliver on the need in Wales to develop housing numbers.
- The CIOB believes it would be positive to see a 'pattern book' approach linked with construction and manufacturing in Wales to simplify delivery utilising timber modules, which would reduce cost and time. This potentially could be achieved through a fast track planning system for identified types of projects.
- One of the current drivers for construction (via Construction 2025) is the reduction of delivery times by 50%. The central government Industrial Strategy also plans to make the wider construction sector more productive through the construction sector deal. This will not be possible on the 'on site' stage but if we could de-risk planning phase aspects like utilities and long lead-in materials, elements could be in place during that stage of a project. This should possibly be examined as a way forward.
- With the regeneration drive of city regions, we should possibly look at temporary projects that infill designated areas (see Bristol's redevelopment) until they become finalised. This is often years of derelict sites spread around town and city centres that could be utilised for pop-up retail and commercial space.

Specific Topics: 6 (The formulation of the development plan)

- The CIOB would like to see the reintroduction of the TAN22 (technical advice note) requirement for sustainable and low carbon solutions which would also position Wales at the forefront of the industry, as it was a decade ago before this requirement was discontinued.
- With the upcoming city deals and metro mayors, we feel it would be advisable that a TAN needs to be looked at to give provision for simple alterations to the local development plan to be in place to assist with town planning around new nodes/hubs that may well have been earmarked for other uses prior to a projects development, such as housing zones moved to commercial.

Specific Topics: 10 (The provision of infrastructure and other improvements)

- The CIOB believes there needs to be a far more strategic look at the aims and outcomes of planning. This would include measurement, control and a deeper understanding. It could be that links with building regulations, especially in the aftermath of Grenfell with the Hackitt Review, need to be strengthened. Without checks and balances, and any course of redress, there is no way of finding out what has gone wrong, never mind actually correcting it. In addition, we need to move away from the current risk-averse approach that is primarily focussed on compliance, rather than delivering tangible outcomes.

Specific Topics: 13 (Works affecting listed buildings and conservation areas)

- The CIOB is of the mind that where the historic environment is concerned these proposals would entail merging Listed Building Consent (LBC) and Planning Permission (PP). Presently PP is about sustainable development and LBC is about managing change in order to retain or enhance significance. These are different emphasises and will result in the special nature of listed buildings being obscured. Listed buildings require expertise of a certain kind and there are many occasions today where the wrong expertise is deployed, but the need to obtain LBC does highlight that historic building expertise is required and often results in it being deployed. If there wasn't an LBC process, this emphasis would be lost. As a society, we need to ensure that greater expertise is deployed in this area and not develop a system that will no doubt result in less expertise being deployed or at least put that at grave risk.

Where local authority advice and assessment of applications of work to listed buildings is deployed, there is also a risk that Local Planning Authority development control staff will deal with the 'Planning Applications' and not Conservation Officers, whereas as now at least when it is called a 'Listed'

building consent application, it readily highlights that the building has a special nature that requires expertise to deal with it.

The CIOB is very supportive of the Historic Environment (Wales) Act 2016 as a progressive step in the management of the historic environment in Wales, but see this proposal as a backward step.

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