

<b>Planning</b>	<b>Cymorth</b>
<b>Aid</b>	<b>Cynllunio</b>
<b>Wales</b>	<b>Cymru</b>

**Consultation Draft TAN 17: *Planning and Managing Development***

**Response from Planning Aid Wales  
November 2007**

## **Introduction**

Planning Aid Wales supports the Welsh Assembly Government's commitment to clarify this important part of the planning system in one document. Having carefully considered the consultation draft TAN, we offer the following comments and suggestions for improvement with the aim of assisting the process.

Our response is set out under four main headings:

Section 1. Key policy messages and recommendations (page 3)

Section 2. General comments (page 6)

Section 3. Response to consultation questions (page 8)

[Note: Response to consultation question 24 has been prepared in collaboration with One Voice Wales.]

Section 4. Specific comments on content (page 21)

## 1. Key policy messages and recommendations

- 1.1 The final version TAN would benefit from being structured in a more intuitive and sequential way.
- 1.2 Inclusion of simple illustrations and process diagrams would assist the lay reader's understanding of content.
- 1.3 **Recommendation:** Prepare a summary version of the TAN for lay users of the system and the general public.
- 1.4 The TAN should do more to explain the links between development plan preparation and decision-making on planning applications.
- 1.5 The distinction between the intention to 'consult' on development management issues and 'involve' in forward planning should be clarified.
- 1.6 An annex glossary should explain the meaning of specialist terms using plain language.
- 1.7 The terms 'development management' and 'development control' should be more clearly defined and used consistently.
- 1.8 Where TANs refer to related guidance or statutory documents, explanation should be given of where the guidance can be found. Circulars and Orders referred to should be readily available, along with plain language versions.
- 1.9 Member training should be made a statutory requirement for all planning authorities.
- 1.10 **Recommendation:** Improve the accessibility of guidance and information on the Assembly website by organising sections of the site around user categories (e.g. professionals, public, applicants).
- 1.11 **Recommendation:** Widely publicise good practice examples of involving young people and other excluded or marginal groups.
- 1.12 The guidance for LPAs on involving the general public (sections 2.11 to 2.15) should be made much more substantive.
- 1.13 **Recommendation:** Implement a programme of general planning education to engage public interest and achieve effective public involvement.
- 1.14 Local planning authorities should conduct regular audits of their activities and processes for involving the public.

1.15 Planning decisions should be made openly, based on publicly available information. Reasons for decisions should be clearly explained. Speed of decision-making and satisfaction with the decision taken are less important.

1.16 **Recommendation:** Each LPA should produce an Annual Report of its planning performance.

1.17 LPAs should promote Planning Aid Wales as an impartial planning advisory service to eligible people and groups.

1.18 **Recommendation:** Each LPA should prepare a Planning Charter setting out consultation procedures and levels of service which applicants, consultees, community and town councils, and interested third parties can expect.

1.19 LPAs should establish 'One Stop' planning reception facilities.

1.20 LPAs should provide contact details for key individuals in the development management team.

1.21 The TAN should provide guidance on the new requirements to submit Access and Design Statements with most planning applications.

1.22 LPAs should forge better links with local access groups and organisations such as Disability Wales.

1.23 **Recommendation:** Introduce a statutory minimum three week consultation period for all but minor householder applications.

1.24 **Recommendation:** Introduce a statutory minimum four week consultation period for Community and Town Councils to respond to larger applications.

1.25 **Recommendation:** LPAs should adopt a standardised and consistent approach to making supporting information relating to planning applications available for public viewing.

1.26 LPAs should be strongly discouraged from considering planning applications prior to the close of statutory consultation periods.

1.27 **Recommendation:** Introduce a common scheme of neighbour notification applicable to all LPAs.

1.28 **Recommendation:** Introduce a common system of officer delegation applicable to all LPAs.

1.29 **Recommendation:** Introduce a standardised reporting format for

committee reports applicable to all LPAs.

1.30 **Recommendation:** Offer opportunities for third parties to address planning committee.

1.31 SPG should always be consulted on, advertised and made available at pre-application stages.

1.32 Clear guidance should be provided for members of the public and local planning authorities on the practice of retrospective planning applications.

1.33 **Recommendation:** Open up consideration of third party rights of appeal to full public debate.

## **2. General comments**

### **2.1 TAN structure**

The TAN would benefit from being structured in a more intuitive and sequential way. The contents section is complicated and finding relevant sections would be made easier if information were presented under a series of logical headings and sub-headings. For example, sections 2.2 to 2.16 describe the role of key players in the development management process – a sub-title would make this clearer.

There are instances where sections could usefully be brought together to aid understanding of process. For instance, section 3.15 (member site inspections) could be drawn into a new section designed to detail the different process elements for deciding planning applications.

Planning Aid Wales considers that the document should be substantially redrafted to achieve the required clarity. Please see our detailed comments in Section 4 below for suggestions as to how this might be achieved.

### **2.2 TAN content**

There are numerous instances where illustrations and process diagrams would assist the lay reader's understanding of TAN content. Also, key points could be highlighted in bold text, with further explanation and examples of good practice contained either in the main body text or in an annex or via web-links.

The online version of the final TAN would benefit from a contents page which takes the reader directly to the relevant section, and also hyper-links from specialist terms used in the main text to explanations of them in the glossary.

### **2.3 TAN audience**

Of all the TANs, Planning Aid Wales considers TAN 17 to be the most applicable and relevant to both users of the planning system and the general public. However, we consider that in its current form the TAN is primarily aimed at providing guidance for local planning authorities and professional users of the system. The TAN is unlikely to provide accessible guidance for lay users of the planning system or interested third parties.

Planning Aid Wales therefore recommends preparation of a summary version of the TAN to provide a clear explanation of key relevant issues which is accessible to lay users of the system and the general public.

## **2.4 TAN emphasis**

The draft TAN appears to emphasise the importance of speed of decision-making over the quality of decisions made. It could also do more to emphasise the important links between development plan preparation and decision-making on planning applications.

## **2.5 Glossary of terms**

A glossary explaining in plain language the meaning of any specialist terms used would assist the lay reader. The online version of the final TAN could adopt good practice by using hyperlinks in the main text to individual explanations in the glossary.

## **2.6 Further information**

An annex containing contact details for organisations providing further information and assistance, and links to relevant publications would be a useful.

### **3. Response to consultation questions**

**Consultation question 1: The Assembly Government has a range of planning powers, which are used exceptionally. Contact with the public and with those using the planning system indicates that some people are unclear about these powers and the circumstances in which they may be used. Would it be helpful to provide plain language advice in appropriate formats clarifying the Assembly Government's and others' roles in the planning system?**

Planning Aid Wales supports preparation of plain language guidance to clarify respective roles in the planning system. Call in and departure applications are a vexing issue for the public as there are no firm definitions or thresholds, and LPAs take a variety of different approaches to defining departure applications. It would benefit the guidance to use real-life examples as a means of raising public understanding of the issues involved.

**Consultation question 2: Would it help public understanding of Assembly Members' roles in Planning if accessible, plain language guidance was available?**

There is currently some public confusion about the Assembly's role in planning decisions. The Code of Practice for Assembly members should be expressed using plain language that is understandable to all, thereby avoiding the need for additional guidance. The Code of Practice could also usefully cover the role of local planning authority members.

The Code of Practice should be available via a web-link from the online version of the final TAN so people can access it easily.

**Consultation question 3: At present, Councils are strongly advised to ensure that Members are trained prior to making planning decisions. Should this become a statutory requirement?**

Planning Aid Wales sees advantages and disadvantages to making member planning training a statutory requirement. The advantages are: establishment of a baseline competency for all authorities; greater certainty that members are being trained, and; opportunities to standardise training through accredited training packages. Disadvantages include: the ethos of member competency is not just about planning; the potential difficulty of enforcing a statutory requirement, and; demonstrating that all members have received adequate training prior to taking planning decisions could slow down decision-making.

On balance, Planning Aid Wales is in favour of a statutory requirement as it would increase public confidence in the decision-making process.

**Consultation question 6: Practical guidance on the planning system for Householders, Farmers and Business is set out in separate booklets prepared by the Assembly Government. How accessible and effective is this guidance and is there a need for additional guidance or for guidance to be provided in different ways?**

The preparation of practical guidance for specific groups is supported by Planning Aid Wales. Guidance of this kind is of great help to applicants negotiating an otherwise extensive amount of general information.

**Existing guidance:** There needs to be a greater awareness of the existence of guidance literature, and it could be made more readily available online. There is a need to ensure regular dispatch of literature to planning offices, community centres and libraries. With one or two suggestions for improvement (see below), the three guidance documents referred to explain the key issues in a simple manner that is helpful to target audiences.

Householders' guide

- The introduction could make clearer that the booklet does not cover planning law.
- It could be made clearer that readers should contact Citizen's Advice Bureaux for issues not covered in the booklet.
- A section providing sources for further information contacts and web links would assist.
- Images would help to explain permitted development rights more clearly.

Farmers' guide

- Language used is sometimes over-technical, and content could be shorter and made more accessible for the farming community.

Business guide

- Provides useful information.

Planning Aid Wales recommends that the accessibility of the information on the Assembly website be improved. This could be achieved by organising sections of the site around user categories (e.g. professionals, public, applicants).

**Additional guidance:** The three existing guidance leaflets are aimed principally at prospective developers, or users of the system. We see considerable demand for additional guidance aimed at third parties, particularly those wanting a better understanding of how to make constructive comments on applications. Planning Aid Wales considers that additional guidance could also usefully be prepared to cover the following topics:

- Advice to community interest groups wishing to explore suitable sites for proposed uses through the planning system.
- Relevance of the development plan, and how to use it to support structured arguments.
- Committee procedures.
- Freedom of information – what you are entitled to view, where and when.
- Access Statements and Design Statements
- Sustainability Assessment

**TAN guidance:** Of the whole range of TANs, Planning Aid Wales considers proposed TAN 17 to be the most relevant for the general public and lay users of the planning system. The consultation TAN aims to provide ‘guidance for those who use, provide and are affected by the service’ (para 1.3). We feel that the TAN in its current form is aimed at providing guidance to planning authorities and professional users of the system only. By seeking to present complex information to such diverse audiences in one format, we do not think it will be sufficient to provide accessible lay guidance for people seeking relevant information about the development management process.

Planning Aid Wales recommends that an alternative user-friendly version of the TAN be prepared for non-planner users of the system and third parties.

**Consultation question 7: How can members of the public be most effectively involved in planning?**

Members of the public, as well as consultees, can often bring expertise and knowledge to the planning process. A case worthy of mention is disabled people, who have a vast collective store of knowledge about the practicalities of what does and doesn’t help make an environment accessible. Local planning authorities should be encouraged to make use of local access groups and the expertise of organisations such as Disability Wales.

Planning Aid Wales believes that wider sections of the public can be most effectively involved by considering a diversity of different methods for engagement and selecting the most appropriate for individual circumstances. Generally, we see that people are harder to engage on strategic, forward planning issues than on site-specific, local issues (often those with a direct local effect). Interest in planning is often a response in reaction to a planning application with direct effects, which is why we consider TAN 17 to be the most relevant of all the TANs for the general public and lay users of the planning system. We therefore urge that the guidance for LPAs on involving the general public provided under sections 2.11 to 2.15 should be made much more substantive.

To increase public involvement in development management issues, Planning Aid Wales suggests the following:

- Site notices - Easy to read (large font, obvious LPA logo) and giving prominence to application details and contact addresses for detailed plans and comments. A scaled drawing or artist's impression of the proposed development will help the public to understand what is being considered.
- Comments - Invite comments either in writing or to be taken down by a planning officer, avoiding excluding people who find it difficult to write.
- Guidance - A guide booklet explaining the information available to support applications and advising on how to comment should be available from all planning authority offices. This should include contact details of organisations that can provide further information and support.
- Major development - The public should be invited to a participative event where they can learn about development options and proposals for major sites, and submit their comments in an accessible, non-technical format. Experience gained of involving communities during LDP preparation should be useful here.
- Open Days – Hosted by LPAs to give members of the public an opportunity to talk through development management issues with planners.

### **Securing effective involvement**

At present, it is unrealistic to expect people to be genuinely involved in the planning process. For most people, their only contact with the planning system is as a third party consultee reacting to a planning application. There are some examples of good practice providing opportunities for the public to be involved in local planning issues, particularly where possible future site uses and options are debated in public at an early stage of planning. However, while specific proposals can generate interest and comments from local people, there remains a widespread lack of understanding about who is able to do what and when.

Public expectations of what the planning system is capable of doing are unrealistic. People variously think it should: deliver new developments through planning gain; act as a break on development; be proactive and less of a bureaucratic barrier, and / or; increase certainty about new proposals. There are also perceptions that planning is ineffective, overly bureaucratic or even corrupt.

The lay public remains largely unaware of the key interplay between development management decisions and development plan preparation. The final TAN should therefore seek to provide a simple description of the development plan preparation process, along with explanation of how it connects to development management decisions. There should also be clarification of the distinction made between the policy intention to 'consult' on development management, but 'involve' in forward planning.

To achieve effective public involvement, Planning Aid Wales recommends a programme of general planning education to engage the wider public interest. The programme should be aimed at adults and younger people, through integration of land use planning issues within the national curriculum. The aim should be to raise general awareness of the planning system, what it was designed to do, how it works, and how people can get involved. Without such a programme, we believe that confusion about the planning process will persist and the majority of people will remain largely uninterested in participating.

### **Measuring success**

Local planning authorities should be encouraged to conduct regular audits of their activities and processes for involving the public, aiming to assess whether the methods being used systematically inhibit or facilitate the involvement of certain groups.

LPAs should promote Planning Aid Wales as an impartial planning advisory service to eligible people, and make available PAW guidance notes and publications. Neighbour notification letters for potentially controversial applications could also include PAW contact details and web site address.

### **Consultation question 8: How can 'seldom heard' groups best be involved?**

The TAN could usefully define the term 'seldom heard' groups by giving examples.

There is already a lot of information available about how to reach hard-to-reach people. Perhaps the most accessible for those involved in planning is ODPM's *Diversity and Equality in Planning. A Good Practice Guide* (London, ODPM, 2005). Chapter 5 deals with 'Effective Community Engagement' and has examples of good practice as well as a check list of barriers to engagement and how they might be overcome. TAN 17 could recommend this publication.

Key messages from Planning Aid Wales are:

- contact hard-to-reach people through intermediaries or trusted representatives – the more excluded people are, the more personalised the contact has to be;
- use appropriate modes of communication - letters may not inspire interest, but fun events, public art, comics and short articles are usually more enticing;
- some hard-to-reach don't want to be reached;
- older people tend to participate more than younger people.

Good practice among organisations dealing with hard-to-reach clients is to encourage participation through small, local workshops and fun activities. Events should include something that is obviously going to benefit local people (such as free energy saving light bulbs or a day out).

**Consultation question 9: How important is speed in the planning process, compared with quality of service and overall satisfaction with the decision taken?**

Speed of decision-making is clearly of concern to applicants. Local communities also benefit from efficient determination of planning applications. However, Planning Aid Wales considers that one of the most important aspects of decision-making is that decisions are made openly, based on publicly available information and that the reasons for decisions are clearly explained and understood. Speed of decision-making and satisfaction with the decision taken are of lesser importance.

**Consultation question 10: How can the quality of decisions be tested?**

Planning Aid Wales suggests that user-panels, peer-review, and external audit can all be useful means of testing the quality of decision-making practices. The publishing of information on appeals successfully defended by the local planning authority can also provide an indication of the quality of an individual local planning authority's decisions.

**Consultation question 11: Do you think that there is merit in publishing information about the performance of local planning authorities?**

Planning Aid Wales supports the publishing of information about the performance of local planning authorities as it gives users of the system an indication of the effective and efficient operation of the planning process. However, published information provides only a series of efficiency measures and does not properly address questions of effectiveness. Further work is required to explore means of measuring and demonstrating effectiveness in the planning service.

**Consultation question 12: Should it be used to identify performance problems and areas of good practice?**

Planning Aid Wales notes that the performance information currently provided is not accompanied by any significant commentary or interpretation. The addition of this would make the information more meaningful to a wider range of interests. The information should be used to identify local planning authorities that would

benefit from additional support and guidance in providing an effective planning service, as well as exploring the factors determining successful operation of the planning service.

**Consultation question 13: Should there be an Annual Report on the operation of the Planning Service as a whole? Should it identify issues, good and bad practice for those providing and using the service?**

The TAN does not make clear whether Annual Reports would be prepared by the Welsh Assembly Government or local planning authorities. Nevertheless, we support annual reporting on the operation of the planning service as a whole. This is necessary to evaluate the extent to which the ongoing and proposed reforms to the planning system in Wales are achieving their stated objectives.

Planning Aid Wales recommends that each LPA produce an annual report on its planning performance. The annual report will include a Planning Charter setting out consultation procedures and levels of service which can be expected.

**Consultation question 15: What has been your experience of pre-application discussions? Have they been helpful in processing your planning application?**

Planning Aid Wales sees benefit in early and meaningful interaction between applicants and planning authority staff. We are too often faced with *impasse* situations resulting from a failure to communicate intentions at an early stage. Discussions prior to submission benefit both authority and applicant by improving the quality of submitted applications and ensuring that all the necessary supporting information is available, ready for public consultation. We do not therefore support proposals to charge for pre-application discussions, unless the application is likely to be particularly complex.

**Consultation question 16: Technical Advice Note 12: Design, currently includes a checklist of design information on planning applications. Do you find this useful, and do you think it would be helpful to include such a list in this TAN, or to refer to the document by reference to the Assembly Government's website?**

The checklist could usefully be included in TAN 17 as an annexed or linked document. Beforehand though, it needs to be reviewed to provide updated guidance on the new requirements to submit Access and Design Statements with most planning applications.

**Consultation question 19: Should the Departures and Shopping Directions be combined and redrafted to clarify their provisions and to ensure greater consistency regarding the period for Assembly Government consideration and notification of any consents granted by the local planning authority?**

Planning Aid Wales sees considerable benefit in doing this. The resulting document would be useful for members of the public, prospective developers and practicing planners.

**Consultation question 20: Should the use of Directions be extended to cover other types of applications about which there has been public concern? This could, for example, include proposals to develop open spaces and land used for sport and recreation purposes.**

Planning Aid Wales supports this proposal. We are frequently contacted by people seeking to protect open spaces and playing fields. People generally have a fairly low level of confidence in their respective LPA to judge these issues fairly. Guidance should be provided to explain the rules and procedures relating to LPAs holding public inquiries on such matters, and the rights of the people wishing to participate.

**Consultation question 24: How well does the planning consultation process work with Town or Community Councils? Could it be improved and, if so, how?**

*[The following response has been prepared in collaboration with One Voice Wales, the umbrella group representing town and community councils in Wales.]*

**Role of community and town councils**

Community and town councils (CTCs) consider planning matters to be one of their most important functions and take them seriously. However, of all the key players in the operation of the system at local level, CTCs have the least resources to influence decision making. They cannot command the professional advice of developers and other applicants, nor can they compete with professionally qualified local planning authority officers. Given their limited resources, CTCs are highly dependant on the correct information being supplied by their planning authorities on which to make recommendations.

**Information provided with planning applications**

It is too often the case that outdated maps and block plans are submitted with applications. These do not show recent development and can be misleading to the extent and concentration of development at the site.

Planning applications are frequently not thoroughly scrutinised by local planning authorities before they are registered, and are often not correctly completed by applicants. This can delay the process.

Where photographs of the site are available, these should be made available to CTCs, along with relevant plans and other supporting information.

### **Responses from community and town councils**

Reports and recommendations received from CTCs in response to planning applications should at all times be included in the officer report to planning committee.

### **Improving participation by local councils**

In order to participate meaningfully in the planning system, community and town councillors require better training in planning issues.

Nominated councillors should be given responsibility for specific wards or geographical areas. Within these areas, nominated councillors should be responsible for consulting with local people on relevant planning applications, and for presenting them to the local council planning committee.

There should be a statutory obligation on local planning authorities to send neighbour notification letters by recorded delivery.

CTCs welcome the opportunity to participate in site visits.

It should be a mandatory requirement that CTCs are represented at planning committee meetings, if they request to do so. Sufficient time should be provided for local councils to state their case; the current standard practice of providing three minutes to speak at committee is unsatisfactory.

Representation at planning committee usually only takes place when the local council objects to the application and it is controversial. The CTC representative (usually a councillor) finds him / herself in a difficult position, as in order to persuade the committee that the application should be refused, he / she may have to oppose the recommendation of the planning officer who has a vested interest in supporting its validity. Planning committee Chairs should be able to question CTC representatives throughout the debate.

### **Consultation period**

Community Councils face considerable problems with current consultation arrangements. Often, consideration of a significant application awaits the next council meeting, which follows the deadline for comments. Planning Aid Wales and One Voice Wales consider that a consultation period of two, possibly three weeks is inadequate for CTCs.

To meet the increased expectations on local councils to undertake local consultations and to develop responses to applications which meaningfully reflect community opinion, we recommend that local councils should be given a minimum period of four weeks to respond to larger applications.

### **Enforcement**

CTCs should have more of a role with regard to enforcement, as they are often the first level of local government to become aware of planning breaches. Once reported to the planning authority, enforcement investigations should be commenced.

### **Planning Charters**

Planning Aid Wales and One Voice Wales support the development of Planning Charters between CTCs and local planning authorities. Planning Charters should establish formalised arrangements for consulting with local councils, and clearly set out the expectations on both parties at key stages of the process of determining planning applications.

Section 2.14.1 of the draft TAN refers to the benefits of agreements or charters between LPAs and CTCs, but does not provide further guidance. Given the key anticipated role of local community councils in the reformed planning system, this is an opportunity to require each LPA to agree a charter with its constituent CTCs. Charters should include:

- information about the types of applications CTCs will be consulted on;
- supporting information to be provided with applications in good time;
- how CTCs will be informed of the LPA's reasons for application decisions.

The Charter is also a useful mechanism for keeping CTCs aware of LPA development management procedures, including delegating decisions to officers and CTC speaking rights at planning committee.

### **Consultation question 25: Should there be guidance regarding neighbour notification so that neighbours can be assured about the propriety and effectiveness of consultations?**

Planning Aid Wales sees a need for guidance regarding neighbour notification. We have numerous examples of people's surprise and confusion when confronted with a neighbour extension ("We didn't think it would be like this when we said they could go ahead" or "They've taken our light away, we didn't think this could happen"). People are often confused as to why they have or have not been notified of a proposed development.

We recommend that one system of neighbour notification should apply to all authorities across Wales. The differences between publicity, consultation and neighbour notification should also be clarified and the terms used consistently.

A clear distinction should be drawn between statutory requirements for neighbour notifications and best practice.

Clear explanation is required of consultation procedures and timescales on planning applications. A common misconception amongst PAW clients is that if they do not submit their comments within 21 days, their comments will not be taken on board.

Public notices on consultations are often misunderstood by the public or completely missed. Consultation guidance on site notices is needed to ensure they are consistent and clear.

Issues of language and culture are relevant here. A recent study about conflict in BEM communities highlighted concerns by people from ethnic minorities who wanted to build a new mosque and community centre. Notified neighbours complained about all sorts of potential problems (some planning related, others not), making it difficult for the new development to proceed.

**Consultation question 26: Should there be national guidance for schemes of delegation to provide a basis for a consistent approach in all authorities?**

Planning Aid Wales recommends preparation of a common scheme of delegation applicable to all LPAs in Wales. There should be accompanying public guidance to explain the key elements and implications of the scheme.

This recommendation is made on the basis that officer reports for delegated applications would need to be sufficiently detailed to justify decisions made, and that the reports would be available for public scrutiny.

LPAs should also be encouraged to refer applications which might otherwise be determined under delegated powers for determination by planning committee, if requested by council members or community councils.

**Consultation question 27: Are Committee reports effective in providing an assessment of the issues involved in reaching a decision on a particular planning matter?**

A well-written committee report is crucial in providing a detailed and balanced assessment of an application. Reports explain for both applicants and third parties how a decision has been reached. Committee decisions are more likely to stand up to subsequent scrutiny if information and analysis is clearly laid out under an intuitive sequence of headings.

A visual depiction or presentation on each application should be provided, and images of the site, its surroundings and future proposals should be displayed at meetings.

There is considerable variation between different authorities regarding the content, detail and quality of committee reports. The same is true delegated application reports. This variation serves to undermine public confidence in the decision-making process.

Planning Aid Wales recommends that the general content and format of committee reports across Wales should be standardised, as far as this is possible recognising the diversity of applications. Guidance for LPAs is needed to explain the information which needs to be included in committee and delegated reports, and how the information and reasons for arriving at a decision should be sequenced under a series of common headings.

**Consultation question 28: Should there be more formal guidance from the Assembly Government about the form and content of reports?**

Planning Aid Wales recommends a standardised reporting format for committee reports which applies to all LPAs in Wales. We regularly encounter inconsistency between reports from across Wales, which is confusing for the public. Committee reports should be simplified to improve understanding for the lay reader. Any necessary phrases such as 'infill' should be explained according to a standard glossary of terms, helping ensure consistency of meaning in the decision making process.

**Consultation question 29: How effectively are members of the public currently informed about planning procedures and what are the most effective methods in use? How could they be improved?**

In general, we consider that members of the public are not effectively informed about planning procedures. A pertinent example is a recent feasibility study to extend a village hall in a growth area of South Wales; the steering group expected the extension to be funded through a planning gain agreement, but LPA officers pointed out that as well as the new village hall / library there was a need for a bypass, a new school, a health centre, and social housing. There was no real understanding about who could agree what with whom, how priorities are agreed, and indeed why there is such a thing as planning gain.

From our experience, the general public (other than well educated people) have a very limited understanding of the development management process from start to finish. A raft of relevant information and guidance is needed to make the

system more accessible. Members of the public usually require information about planning procedures as and when they become involved in a particular planning issue. This information therefore needs to be quickly and readily available and easy-to-understand. Our suggestions for improving general public awareness of development management issues include:

- Plain language factsheets available from LPAs and in libraries.
- Easily accessible, plain language information on the internet.
- LPA helpline officers to explain procedures to people who find literature difficult to understand.
- Integrate a planning dimension into the national curriculum for secondary schools.

## **4. Specific comments on content**

**Title of the TAN:** ‘Planning and Managing Development’ may not clearly convey to the lay reader the issues covered in the TAN. We suggest an alternative title or sub-title, such as ‘Processing planning applications’ or ‘Procedures for submitting, handling and deciding planning applications’.

**1.4:** The term ‘stakeholder’ could helpfully be defined and examples given. If the term is intended to include the general public, this should be made explicit.

**2.1.3:** The introduction should aim to provide clearer definitions of the terms ‘development management’ and ‘development control’, as well as explaining the key differences between them. Once definitions are clearly established, there needs to be a consistent approach throughout the TAN in the use of the two terms.

**2.2.3:** Emboldened text in this and following sections suggests an intention to include a glossary of any specialist terms used. This is strongly supported.

**2.2.5:** Annex 2 is referred to as describing the sorts of applications which may be considered for call in. Annex 2 would benefit from actual examples of called in applications, and should also include examples of departure and other applications mentioned in the preceding section 2.2.4.

**2.3.1:** Explanation of development plan preparation and expectations on LPAs to engage communities would be useful here as context. Also, cross-reference could usefully be made to 2.4.1.

**2.3.3:** Reference should be made here to sources of further information relating to expectations on LPAs to consult and involve their communities.

**2.4.1:** Suggest using ‘up-to-date’ or ‘adopted’ in place of ‘operative’.

**2.4.3:** The TAN should be consistent about using the term ‘development management’ in preference to ‘development control’.

**2.4.3:** A final bullet point should be inserted as follows: ‘that appropriate public consultation has occurred’.

**2.5.3:** The TAN should provide links to guidance to which it refers, or explain where the guidance can be found. Also, it is not clear how the long list of statutory orders relates to preceding text or aids the reader’s understanding.

**2.7.2:** Suggest inserting as follows:

Codes of professional conduct ensure high standards of competence, integrity, honesty, impartiality and objectivity. Continuing professional development is needed to support the updating and continuous improvement of staff skills. RTPI supports updating of knowledge and training through seminars, workshops and events. Investors in people will ensure provision of training through the workplace. Line management of staff will include a requirement to ensure that all staff are competent to do what they are employed to do.

**2.9.1:** Suggest amending as follows:

‘Providers of planning services outside local government can play a role in delivering the development management service. This includes consultants and organisations such as Planning Aid Wales. They may be able to provide specialist advice or expertise to which a local planning authority may not otherwise have ready access or to enable local authority staff to undertake other tasks, particularly where there are short term changes in workload. They can be used to deliver...’

**2.10:** Planning Aid Wales recognises the interests of applicants in avoiding delay and in seeing that applications are determined in an open and consistent manner based on up-to-date policies. It also recognises that applicants have a responsibility in providing appropriate information. However, the TAN could usefully note that there are many different categories of applicant with varying knowledge and understanding of the planning system, and that local planning authorities also have a responsibility in supporting applicants in their submission of their applications.

**2.10.1:** Suggest amending as follows:

‘Applicants have a direct interest in the effective management of the planning process. They have a right to expect that those who operate the planning system do so effectively, efficiently and fairly, and that people delivering the service deal with them showing care, dignity and respect. Most applicants need to avoid unnecessary delay, especially where financial implications are involved. They also need open, consistent decisions, based on well-evidenced policies.’

**2.10.1:** Suggest inserting as follows:

Local planning authorities should provide guidance to explain which information third parties are entitled to view, such as the officer’s report and consultation responses. Occasional meetings should be held between LPAs and agents to establish a clear understanding of the supporting information which needs to be submitted with applications.

**2.10.2:** Suggest inserting final sentence, as follows:

LPAs should respond in a clear and timely way, and be able to provide guidance on key elements of the development management process.

**2.11:** The increasing adoption of e-planning and local planning authority websites have done a great deal to increase the amount and availability of planning information. However, information does not always promote opportunities to 'enter a constructive dialogue with those providing the service'.

Some of Planning Aid Wales' clients have challenged the notion that they are 'hard to reach' by stating that they are capable of being reached and involved so long as appropriate methods are used to do so.

**2.11.1:** Suggest inserting reference to development plans  
'... Those likely to be affected by development have a right to be notified of proposals and to be consulted and involved in the process. They also have a right to participate in preparing development plan policies, which shape development management decisions. ...'

**2.11.1:** Suggest urging LPAs to provide a list of case officers and their roles in the planning authority (finding the right person to deal with a query can be difficult).

**2.11.1:** Suggest inserting reference to LPA responsibilities for ensuring ready access to relevant information and advice.

**2.12:** Young people can have a dynamic and creative input to the planning process. Working with schools on planning projects and developing understanding of planning through integrated curriculum studies is key to achieving more participation in future. Specific guidance documents / comics / cartoons should be designed to explain planning issues to children. However, devoting a section of the TAN specifically to children and young people seems arbitrary. As section 2.12 makes clear, there are numerous groupings and individuals within the general public who also have difficulty in making their voices heard, and who may not be easily reached by conventional approaches to public engagement. Planning Aid Wales recommends that good practice examples of involving young people or any other excluded or marginal group should be publicised widely, and also explored specifically in relation to securing further involvement in the planning system.

**2.12.2:** Suggest inserting as follows:

The Children and Young People's Framework Partnerships established in each local authority and through their Partnership Plans will often have strategies involving children and young people in decision-making. Authorities should ensure that CYPFP documents make necessary links with the planning process.

**2.13:** Statutory and other consultees should be defined using examples, and urged to ensure that wherever possible their consultation responses to the local planning authority are expressed and explained in a manner that can be widely understood by individuals and community groups. It should be made clear that if

no response is received from a statutory consultee within the set consultation period, this is taken to mean that the consultee does not intend to comment.

**2.13.1:** Suggest amending as follows:

In making decisions local authorities often have to consult with statutory and other consultees about specific issues (provide examples). Consultees should be able to identify categories of cases in which they are especially interested and on which they wish to be consulted, and should make every effort to respond promptly, providing clear, concise advice. Agreed protocols, or regular meetings between statutory consultees and the authority can help speed up the consideration of minor cases or in setting parameters for consultation. Consultees have a duty to respond within the specified timescales, and should be organised and equipped to respond promptly to planning consultations. It may be necessary for them to change their working practices to meet targets.

**2.13.2:** Suggest amending as follows:

Local Authorities must not determine planning applications before the end of the consultation period.

**2.14:** LPAs could usefully be encouraged to include in relevant committee and delegated reports a section which summarises opinions and reasoning of all responses received from community councils within the consultation period.

**2.14.2:** Suggest amending as follows:

Town or Community Councils should be organised and equipped to respond promptly to planning consultations. The LPA should provide the support necessary to enable them to do so, including provision of planning training if needed. Local councils may ...

**2.15:** Local authorities should make clear statements on their web sites, in local authority newsletters, and through libraries about what the planning process involves. Voluntary, community and private groups should be actively encouraged to participate and make a contribution. Many voluntary and community organisations seem to miss the boat because they do not understand the relationships between the main elements of the process. While local planning authority LDP Delivery Agreements set out anticipated consultation and engagement requirements as part of the Community Involvement Scheme, they are often inaccessible documents.

**2.15.1:** Examples could be given of the groups and organisations which should be involved, and how they can contribute. For example, residents groups / community groups covering a specific area might be notified about applications affecting their locality.

**2.19:** Planning Aid Wales recognises the valuable role played by dialogue and negotiation at the pre-application stage and following submission. However,

there is concern at the pressures placed on the provision of pre-application advice by other priorities in the development control service.

**3.2.2:** Communication between different area teams in the same authority should also be encouraged to avoid inconsistent advice and decisions.

**3.3.3:** LPAs should be urged to establish 'One Stop' planning reception facilities, with staff trained to provide third parties and other interested callers with a direct route through to the most appropriate department, person or information source.

**3.5.1:** LPAs should be encouraged to name case officers with nominated responsibility for dealing with individual applications, or applications falling within distinct geographical areas (as contained in 3.13.1).

**3.9.2:** Clarification is needed as to which records and notes arising from pre-application discussions should be held on the case file and made available for public inspection.

**3.9.3:** The benefits of local member involvement are not made clear. Such involvement can cause considerable public concern if a local member is considered to be 'interfering'.

**3.10.1:** Applicants need to have clear guidance as to what they are expected to submit in support of their application. Please see our response given above to section 2.10 for more detail.

**3.12.2:** LPAs should be expected to provide clear, concise guidance explaining how to submit a planning application. Reference to the validation and registration processes for online submission might also be made here.

**3.12.4:** To avoid confusion, this paragraph should make clear that if an *invalid* application is received by the LPA, then the eight week period starts from the date the application is validated.

**3.12.5:** Applicants may not have read the relevant section of the LDP before submission. A statement of which additional assessments are necessary for which types of application should be included in guidance for applicants. A simple document explaining the need for additional submissions (such as Access Statements, flood risk assessments etc.) and their preparation should also be provided.

**3.14.1:** A site visit within seven days of validation may not always be achievable. Failing to achieve the target could result in complaints against those LPAs already operating under considerable staffing pressures.

**3.15.3:** Detail should be provided on the issues to be covered in reports prepared following a member site inspection. Guidance should also seek to standardise procedures - authorities organise visits differently and there is public confusion about whether or not people can speak at committee site inspections.

**3.16.2:** Authorities should be encouraged to provide contact details for key individuals in the development management team.

**3.17.1:** A more robust definition of what constitutes a 'departure application' (beyond that provided in 3.17.2), with relevant examples, would assist the lay reader.

**3.17.2:** The second bullet point refers to 'development of any land of an interested local planning authority'. Clarification is needed as to whether this is intended to refer to land owned by a local authority.

**3.17.8:** Brief examples of the other types of planning application referred to would provide context for this sentence.

**3.25.1:** Planning Aid Wales recommends that a minimum three week consultation period should be standard practice across all authorities for most applications (Community and Town Councils need a minimum of four weeks to respond - see response to consultation question 24 below). This is just sufficient time for lay people to familiarise themselves with an application, research implications, discuss merits, draw together comments and develop a meaningful response. A two-week period is considered the minimum acceptable for consultation on minor householder applications and amendments.

**3.25.2:** Circulars and Orders are not accessible documents and can be difficult to get hold of. Circulars and Orders referred to in general policy documents should be readily available, and summary versions produced as guidance for the lay reader.

**3.25.3:** 'Planning Charter' is suggested as an appropriate title for this protocol document.

**3.26:** Planning Aid Wales supports the increased use of the Planning Portal as a means of increasing user engagement in the planning system. However, 'traditional' planning services need to be maintained alongside improved e-planning services to ensure that those sections of society that do not enjoy high levels of internet ability or access can participate effectively in the planning system.

**3.26.1:** It would be useful here to provide a simple explanation of signature verification for planning applications and similar e-issues.

**3.27.1:** Standardised provision of LPA online development management services should be introduced to ensure consistency. There should be free public access to current development management case files, committee meeting agendas etc.

**3.28.1:** Planning Aid Wales recommends that the TAN strongly encourages LPAs to adopt a standardised and consistent approach. All non-sensitive information relating to ongoing applications should be kept on the relevant application file, and be available for public viewing. To support this, the TAN needs to be explicit about the types of information which are not considered suitable for public viewing.

**3.30:** From the perspective of the lay reader, this section on consultation would be better placed alongside section 3.25 (publicity). A clear distinction also needs to be made between the terms consultation and publicity to avoid possible confusion.

**3.30.1:** Planning Aid Wales supports *consistency* in the use of consultation processes. However, the proposal that procedures be '*standardised*' may inhibit innovation in engaging particular target groups in the planning process, and the tailoring of consultation processes to meet their special circumstances.

**3.30.2:** Reference should also be made to consultation letters sent out to non-statutory consultees who may not be neighbours.

**3.30.3:** It is unclear who is responsible for the ultimate decision on applications which are considered by committee prior to the close of consultation. It would assist public understanding and confidence in the system if procedures to consider late representations were set out in each LPA's Planning Charter.

**3.30.4:** The TAN should take a much stronger line to discourage any arrangements to consider planning applications at committee prior to the close of the consultation periods set out in the Town and Country Planning (General Development Procedure) Order 1995 (see 3.30.3). This is a potentially confusing practice in the eyes of members of the public and undermines confidence in the practice of consulting on planning applications.

**3.30.5:** This paragraph could be expressed more clearly for the lay reader. Also, LPAs must be encouraged to work with CTCs to raise their capacity to respond to consultations through improved liaison arrangements, additional support and training on the development management process.

**3.30.6:** CTCs are urged to be 'proactive in creating, and taking advantage of, opportunities for the local community to be fully and effectively engaged in the planning process'. The TAN should provide further guidance about the anticipated role of local councils following reform of the planning system, particularly what is expected from them and by when. It should also stress the

importance of developing and maintaining productive working relationships between local councils and planning authorities.

**3.32.1:** Section 3.32.1 says that there should be 'full explanations given to all parties as to the reasons for the eventual outcome', but 3.32.2 says: 'people and organisations who make representations should be notified of the decision as a matter of good practice.' Clarification of intention to inform would assist.

**3.32.1:** It should be made clear that the development plan is the primary material consideration, and comments received do not carry as much weight.

**3.32.1:** It is essential that committee decisions are minuted, especially in cases where decisions to approve or refuse are made contrary to officer recommendations (replace 'should' with 'must').

**3.32.2:** Guidance should be provided on whether authorities will recognise a letter of objection if no address or a false address has been provided by the objector, or any potential objection / retraction of that objection has resulted from the intimidation of the objector. Notification letters should also set out relevant procedures such as the right to petition.

**3.33:** The right for third parties to make representations at planning committee meetings is fundamental to people feeling that the system is fair and transparent. Planning Aid Wales recommends that the TAN specifically encourages LPAs to offer opportunities for third parties to address planning committee. Planning Charters are the appropriate mechanism for setting out arrangements for public speaking rights.

**3.33.4:** Schemes of delegation should be written in clear and concise language so that members of the public can understand them.

**3.33.8:** A plain language public guide to 'call in' procedures should be prepared to explain reasons for deciding to call in particular applications and providing concrete examples of the types of application which are likely to be called in (see also response to consultation question 1).

**3.35.3:** Members' reasons for overriding an officer recommendation should also be clearly recorded and freely available to public scrutiny.

**3.35.3 and 3.35.4:** These statements should be made more definitive; members must not pressurise officers.

**3.36.2:** This should go further by setting a baseline standard to allow consistency in public representation at committee meetings across Wales.

**3.39.1:** Suggest adding reference to the role of planning agreements in meeting regeneration or development goals.

**3.39.2:** A description of the form and function of planning registers would assist.

**3.40.1:** Decision notices should explain that the officer report contains further information on how the decision was reached, and is available for public viewing.

**3.41.1:** Suggest amending as follows:

Regular monitoring and evaluation of performance is essential. Information on performance is not an end in itself, but it is essential for identifying how individuals and teams can best contribute to the overall service provided and to its improvement. Monitoring should not only be of overall levels but also of teams and individuals.

**3.42.1:** Suggest inserting final sentence as follows:

Local authorities should also survey public opinion, applicants and developers in coming to a view about the quality of the outcomes achieved for the service.

**3.44:** Neighbour notification on minor amendments should be required.

**3.44.1:** Suggest replacing 'informal' with 'written'.

**3.44.2:** Question use of 'informal'.

**3.44.3:** This section could be expressed more clearly.

**3.45.1:** SPG that will influence application decisions should always be consulted on, advertised and made available at pre-application stages. SPG is a complex area for the public, and the TAN could do more to explain what should be included and the relationship with development plan policy.

**3.43:** Clear guidance should be provided for members of the public and local planning authorities on the practice of retrospective planning applications.

**3.46.2:** Suggest inserting first sentence as follows:

All local planning authorities should have in place an agreed, written and published complaints procedure.

**3.46.3:** Referrals to the Ombudsman should only be made once the council's procedure is exhausted.

**3.47:** This section should provide more detail about enforcement procedures. The general public often feel that much development proceeds without LPA approval, and that more resources should be directed to monitoring compliance with conditions and ensuring development proceeds as approved.

**4.1.5:** Planning Aid Wales believes that consideration of third party right of appeal issues should be opened up to full public debate.

**5:** A list of contacts providing further information and assistance, and links to relevant publications should be made available as an annex to the TAN.

**Reading list:** This could be categorised by subject for ease of use. The Planning Aid Wales publication 'A Public Guide to the Land use Planning System' could also be included on the reading list.