



Review of Planning Applications Process

Planning Aid Wales response to Focus Group questions

January 2010

1. *What is or should be the main purpose of the planning application process – how fit do you think the process basically is for that purpose?*

1.1 The main purpose of the planning application process is to manage the development and use of land in the public interest, in accordance with policies contained in adopted development plans. However, a key issue in relation to statutory consultation on planning applications is how 'the public' is defined. Our work highlights that different planning authorities approach public consultation on planning applications in different ways. This is confusing for the general public and serves to undermine confidence in the system.

1.2 We consider that the planning applications process overall is fit for purpose and is backed up by a robust and reasonably up-to-date legislative and policy framework. However, there are a small number of relatively minor improvements which if implemented will increase public understanding of the planning applications process, which in turn will increase public confidence in decisions made. Better public understanding of process and greater public confidence in decision making will increase the system's overall efficiency.

1.3 Our recommendations for change are contained in the response to question 9 below.

2. *What is the main impact of the process on your interest / organisation?*

2.1 Planning Aid Wales is an independent charity helping individuals and communities across Wales to understand and participate more effectively in the Welsh planning system. We provide free impartial advice and support to individuals and groups on all aspects of the planning process. The majority of the requests for assistance we receive from members of the public relate to the planning applications process.

3. *What is the process best at and worst at – what are the strong parts or stages and which are weaker?*

Strengths

- 3.1 Regulations such as the General Development Procedure Order provide clarity on the procedures of the planning process.
- 3.2 The move towards e-planning and the 1App system are making the applications process more accessible to non-specialists.
- 3.3 The majority of planning officers in local planning authorities are well-trained, conscientious and diligent in the delivery of planning services.
- 3.4 There is a clear and rational relationship between development plan policies and development management decisions. However, it should be noted that the linkage is not properly understood by a significant proportion of lay people making representations on planning applications.

Needs improvement

- 3.5 Non-specialists have difficulty understanding the overall 'shape' of the planning application process, in particular the relationship with policies in adopted development plans.
- 3.6 Front line customer-facing services in some authorities could be improved. We regularly receive calls for assistance from people struggling to find the most appropriate person to speak to in an authority, and then finding it difficult to get hold of that person.
- 3.7 There is inconsistency in pre-application procedures both within and between planning authorities. Effective pre-application services are crucial to build understanding and trust with minor developers particularly, and to help deliver better quality planning applications.
- 3.8 Consultation and notification processes lack transparency and are sometimes not implemented effectively. The impact is felt most by local communities, which serves to fuel public cynicism about the legitimacy of the procedures used.
- 3.9 There is inconsistency between (and sometime within) planning authorities on committee and delegated procedures. Not all planning authorities advertise their committee procedures, codes of conduct, schemes of delegation and decision-making arrangements in a clear and transparent way.
- 3.10 Some authorities could do more to ensure that conditions of planning permission are properly complied with.

4. *How well do you think the process reflects and responds to national and local policy, guidance and priorities?*

4.1 There can be considerable delay in the development of national policy and guidance needed to address emerging issues. For example, guidance on the installation of domestic renewable energy infrastructure emerged long after demand from the public began to place front line officers under pressure.

4.2 There is often a time lag between publication of new national policy and its incorporation into local planning policies and decisions. A current example is the circular on Planning for Gypsy and Traveller Caravan Sites, which makes the development plan policies of numerous authorities non-compliant and has resulted in successful appeals against refusals.

4.3 There is likely to be considerable friction between decisions made by the Infrastructure Planning Commission on Nationally Significant Infrastructure Projects and local planning policy frameworks.

5. *Does it encourage the right amount of public consultation and participation?*

5.1 Please note that the vast majority of planning applications are subject to some degree of public consultation; it is rare for planning authorities to attempt meaningful public participation to help develop emerging proposals. We consider this to be reasonable for all but particularly significant and / or contentious planning applications. However, while we consider the overall procedural framework for consultation to be generally fit for purpose, there is scope for improvement in the way consultations are conducted.

5.2 There can be a lack of consistency in the way planning applications are consulted upon, both within and between planning authorities. Our work with community and town councils highlights that consultation mechanisms between them and their planning authorities sometimes do not operate as they should.

5.3 Consideration should be given to extending timescales for representations beyond the minimum 21 day period, particularly for community and town council consultees.

5.4 The form of words used in public consultation materials to describe planning applications is often over-technical, and can even be ambiguous or plain misleading. Consultation documents and notifications such as site notices and letters should be clear, easy-to-read and unambiguous. Consideration should also be given to including more detail about the proposed scheme, such as generic information about the potential impacts and benefits of the development type and the types of policies against which the proposal will be considered. This will allow members of the public to

make more informed judgements about the possible impacts and ensure that consultation responses are relevant and focused on the planning considerations.

5.5 A choice of formats should be offered to allow all sections of the community to obtain information on proposals and to submit comments if they so wish. Although electronic submission of applications has improved accessibility for those with internet access, other means of accessing information (e.g. audio formats) and submitting comments (e.g. face-to-face meetings) would raise public confidence in the transparency of the consultation process. We have particular expertise in this area and would be happy to assist in developing more inclusive methods for public consultation.

6. *How well equipped are the planning authorities to manage the process and take the right decisions? What are they good at and where do they struggle?*

6.1 Some planning authorities struggle to keep up with an unanticipated increase in the numbers of applications received, resulting in bottlenecks and delays in decision making.

6.2 Most planning officers are adequately equipped to make delegated decisions and to formulate well-reasoned recommendations to committee.

6.3 There is a clear need for a structured programme of member training to improve the quality and consistency of decisions made by planning committees.

7. *What are the key challenges facing the system?*

7.1 Ensuring transparency in decision making.

7.2 Adapting more readily to social, economic and environmental change.

8. *How should the success of the process be measured in the future and what should be the primary goals?*

8.1 Robust and consistent monitoring of planning application processes, decisions and complaints.

8.2 Recognition of the need to access and take account of the views of minority groups.

9. *What would your targets for reform be (for example the need for permission, consultation, assessment and determination, styles and processes, resources and expertise, implementation)?*

Need for planning permission

9.1 Careful consideration should be given to relaxing the Permitted Development rights regime, and clearer guidance provided for both planning authorities and the public on the application of Permitted Development rights. Whilst there is room for some relaxation of the sizes and limits of developments, there should be greater rigidity in the application of these rules and guidance provided on their application.

Transparency of process

9.2 WAG should prepare non-technical guidance for the general public on the overall 'shape' of the planning applications process (to include explanation of the linkage with development plan policy, expectations on planning authorities and how consultation responses are taken into account in decision-making).

9.3 WAG should issue updated guidance to local planning authorities on the minimum standards expected for public consultation, schemes of delegation, rights to address planning committee and the provision of pre-application services.

9.4 Each local planning authority should prepare plain language guidance on how the authority's development management service is structured, how to contact key officers, the availability of pre-application services, how to access information about current applications, and the requirements for accepting representations on planning applications.

9.5 Front line planning reception staff should be given training to allow them to respond to common planning queries from the general public.

Pre-application

9.6 Pre-application advice should only be provided by senior / experienced planners.

9.7 A written summary of the advice provided should be placed on the application file.

Validation

9.8 Each planning authority should publish guidance on the information required to validate planning applications.

Public consultation

9.9 Consultation notices and letters should be consistent and provide an accurate, detailed and unambiguous description of proposals.

9.10 The language used in both consultation and application documents should be clear, easy-to-read and unambiguous.

9.11 More detail should be included about the proposed scheme, including generic information about the potential impacts and benefits of the development type and some indication of the policies against which the proposal is likely to be considered.

9.12 A choice of formats should be offered for obtaining information on proposals and for submitting comments.

9.13 Serious consideration should be given to extending the statutory consultation period for community and town council consultees beyond the minimum 21 day period.

9.14 Planning authorities should be encouraged to develop planning consultation agreements with their community and town councils.

Delegated applications

9.15 Planning authorities should make greater efforts to advertise and explain their schemes of delegation.

9.16 Case reports should be prepared for all delegated applications.

Case reports

9.17 Case reports should summarise all the consultation responses received, either in support or against, and explain how responses have been considered in relation to the application proposal and the policy context. If consultation responses are not considered to be relevant to the decision, a clear explanation should be given.

Decision making

9.18 A structured, ongoing programme of member training should be provided to ensure decisions on applications made by planning committees are consistent and defensible.

Decision notices

9.19 Decision notices should clearly list all of the reasons for refusal / approval.

Notification of decisions

9.20 All consultees who have submitted comments on an application should be notified of the final decision.

9.21 Community or town councils submitting a consultation response which has not been reflected in the final decision should be offered an opportunity to discuss the decision with the case officer.

Resources

9.22 There should be recognition of the cost implications of any new expectations on planning authorities arising from this review process.

9.23 Authorities should either receive more resources to help improve delivery of their development management services or be allowed greater flexibility to generate income (e.g. charging for pre-application services on non-householder proposals).

10. *How can we identify and promote good practice and tackle the bad – how can we get the message out most effectively and ensure it is followed?*

10.1 More effective communication of good and bad practice at all levels.

10.2 Better communication with and involvement of front-line planning staff

10.3 Greater cohesion and integration between planning policy and development management functions.