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A public guide to the land use planning system in Wales





A public guide to the land use planning system in Wales

This Handbook has been produced by Planning Aid Wales with funding from the Welsh Assembly Government, which is gratefully acknowledged. It is designed to help people understand the basics of the land use planning system in Wales, and to encourage them to get involved in a positive way. More public involvement in plan-making and decision-making will benefit local communities, as well as the country as a whole.

Planning Aid Wales is an independent charity. It supports and advises individuals and community groups through a network of volunteer planners across Wales. It is committed to improving public understanding of planning, and to supporting people who otherwise would not have access to independent, professional planning advice. If you would like more information about Planning Aid Wales, please see section 10.1 of this Handbook.

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Chapter 1

Introduction

1.1 This Handbook

This Handbook aims to guide people through the land use planning system in Wales. It can be used as a reference source, but should not be used as a complete statement of the law.

The Handbook is about planning in Wales, where the planning system is increasingly different from that in England.

The Handbook avoids using planning jargon wherever possible. Where it is necessary to use a specialist word or term to help explain something, the word or term appears in bold text. You can find an explanation of all the words and terms that appear in bold text in Appendix B, which is arranged in alphabetical order.

The Handbook is correct at the time of publication. However, as planning law and practice continue to change over time, you should seek up-to-date advice when considering specific matters.

Planning Aid Wales has produced the Handbook with funding from the **Welsh Assembly Government**.

1.2 Why is planning important ?

The planning system helps to shape the future of our cities, towns, villages and countryside. It provides individuals, **communities** and their elected representatives (councillors) with the opportunity to have a voice in decisions which will influence the future of their surroundings.

If you want to get involved in the planning system it is important that you know how it operates, as this will increase the effectiveness of your voice. This Handbook provides you with an introduction to planning.

1.3 What does the planning system do ?

The planning system is concerned with the development and use of land in the public interest. It deals with the physical environment, such as buildings, roads and the use of natural resources. It takes account of economic, social and environmental issues.

There are limits on how the planning system deals with issues which are not related to development and land use. For example, when considering a **proposal** to build a new house, planners consider whether the house should be built at a particular location and its **design** - they do not consider the reputation of the applicant or the builder. Very occasionally, however, personal circumstances can be a **material consideration** in planning decisions (*see section 5.9*).



1.4 Who operates the planning system ?

In Wales, the planning system is operated by the **Welsh Assembly Government** and the **local planning authorities**. The Assembly Government sets the legal framework for the planning system, and makes national planning policy (after consulting on **drafts**).

There are 25 local planning authorities in Wales - 22 County, County Borough or City Councils, and 3 National Parks (Brecon Beacons, Pembrokeshire Coast and Snowdonia). These 25 authorities are responsible for operating the planning system.

Most planning decisions are taken by local planning authorities, although major cases can be 'called in' by the Assembly (this is very rare - only around 10 cases a year out of 35,000).

1.5 Development control and development plans

Development control is the most well known part of the planning system. It means processing and making a decision on planning applications to develop or change the use of land and property. The **determination** (or making a decision) of a planning application gives the landowner or builder a definite decision on whether their project can go ahead. The reasons for the decision are set out in a report and a '**decision letter**', which tells applicants and others whether the proposal has **planning permission**. *Development control is explained in more detail in Chapters 4 to 8.* The basis for decisions on planning applications is usually the **adopted development plan**. This is the less well-known part of the planning system, and it often takes a planning application to make people realise the importance of a policy in a development plan.

Development plans must be prepared by each local planning authority with the involvement of the community and organisations with a role or interest in planning for the area. Planning policy produced by the **Assembly Government** is also taken into account when preparing development plans. Plans are 'examined' (looked at in the light of people's comments) by a **Planning Inspector** before they are **adopted**. *Development plans are explained in more detail in Chapter 3.*

Where the development plan for an area was adopted some years ago, national planning policy issued by the Assembly Government can provide a more up-to-date basis for decisions.

In autumn 2005, a new type of plan called a **Local Development Plan** was introduced. These will take around four years to prepare. Once adopted, Local Development Plans will replace existing **structure plans, local plans, and unitary development plans**.

Chapter 2

Planning policy for Wales

2.1 The Wales Spatial Plan

The **Welsh Assembly Government** has a duty to prepare a spatial plan for Wales. The Plan sets out its policies for promoting **sustainable development**, defined as: ‘Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.’

People, Places, Futures - The Wales Spatial Plan (November 2004) sets out the Assembly Government’s agenda for creating a sustainable future for communities across Wales over the next twenty years. It provides a high-level framework for **local planning authorities** to work together to develop services, business and land. The Plan does not identify specific locations for development, or form part of local development plans. That said, it can raise issues which planning authorities must take into account when preparing their **development plans**.

2.2 National planning policy

National planning policy is set out in *Planning Policy Wales*, published by the Welsh Assembly Government in 2002, and *Minerals Planning Policy Wales*, published in 2000. From time to time, topics within *Planning Policy Wales* may be reviewed and policy updated, following **public consultation**. The final policy document is called a Ministerial Interim Planning Policy Statement, or ‘MIPPS’. Taken together, these provide a general framework to help planning authorities prepare their **development plans** and make planning decisions. All these documents can be found on the Assembly Government’s website (*see section 2.3*).

National planning policy documents are based on the principles of sustainable development and aim to:

- strive for more **sustainable development**;
- build a dynamic and advanced economy;

- tackle social disadvantage, and;
- promote equal opportunities.

They cover a very wide range of topics such as planning for employment; planning for housing, including affordable housing; how to take Welsh language and culture into account; requirements for design; protecting the natural environment; minerals and waste planning; flood risk and contaminated land; and planning for renewable energy.

They are used by the **Assembly Government** and the **Planning Inspectorate** to help make decisions on 'called in' applications, planning **appeals** and **development plans** (see section 6.2 and Chapters 3 and 7). Both documents are available on the Assembly Government website: <http://www.wales.gov.uk/subiplanning>

2.3 Technical Advice Notes and Circulars

Planning Policy Wales and **Minerals Planning Policy Wales** are supported by **Technical Advice Notes**, **Mineral Technical Advice Notes**, and **Circulars**. They are produced by the **Welsh Assembly Government**, with consultation taking place on **draft** versions before final versions are published.

Technical Advice Notes and Circulars contain more detailed advice on specific issues and can be relevant to some planning decisions. A full list of Technical Advice Notes and Circulars can be found at:

http://www.wales.gov.uk/subiplanning/content/tans/tans_e.htm

2.4 'Planning: delivering for Wales'

In Autumn 2002, the **Assembly Government** launched a programme called 'Planning: delivering for Wales'. This aims to make sure that the planning system:

- is open and fair;
- inspires public and business confidence;
- delivers improved quality and speed;
- integrates with other plans, processes and actions, and;
- meets the Welsh Assembly Government's objectives.

In support of 'Planning: delivering for Wales', the Wales Planning Forum - chaired by the Assembly Government's Minister for Environment, Planning and Countryside, and made up of organisations with an interest in planning, including local government, the business and voluntary sectors, public bodies and universities - provides opportunities for stakeholders to influence the development of planning policy.

The Assembly Government gives funding to planning authorities to help support and deliver the programme. Some funding is also used to develop best practice, and to improve delivery of the Welsh planning system as a whole.

Chapter 3

Development plans

3.1 Why are development plans important ?

Development plans set out the local planning authority's **policies** and **proposals** for the future development and use of land. They are the most important thing to consider when deciding planning applications. They contain policies and proposals that provide the basis for **determining** planning decisions. They may also include specific **conditions** and agreements to be attached to planning permissions in certain situations. Decisions should be in line with **adopted development plan** policies 'unless **material planning considerations** indicate otherwise'.

Policies in development plans influence how planning applications are decided. For example, an area of land is shown (or '**allocated**') as a housing site in a **Local Development Plan**. This means that the principle of building houses on the land has already been accepted, even before any application for planning permission. The same is true for land shown as retail and employment sites. That is why it is important to get involved in preparing your Local Development Plan.

The **local planning authority** (*see section 1.4*) is responsible for preparing a development plan. Authorities can choose to prepare a joint development plan with a neighbouring authority. There is only one so far in Wales - the joint Unitary Development Plan produced by Pembrokeshire County Council and Pembrokeshire Coast National Park Authority.

It is a good idea to check the planning policies in the development plan or plans covering your area. Some policies are 'area specific' (meaning that they apply only to particular places) and some are 'generic' (meaning that they apply to the whole plan area). When reading the plan, it is important to check every policy that might be

relevant to the proposal or application you are interested in. If in doubt, check with the area planning officer in your local planning authority, or seek advice from **Planning Aid Wales**.

3.2 The different types of development plan

Since 1996 each local planning authority in Wales has been required to prepare a **Unitary Development Plan**. All adopted **Structure Plans**, **Local Plans**, and Unitary Development Plans will gradually be replaced over the next few years by the new **Local Development Plans**. Until then, existing **adopted** plans will stay in force, but their importance will reduce as they become out of date, and as Local Development Plans reach the later stages of plan preparation (*see sections 3.5 to 3.10 for more information*).

3.3 Local Development Plans

Local Plans, **Structure Plans** and **Unitary Development Plans** will gradually be replaced by a **Local Development Plan**. The Local Development Plan (or 'LDP') will set out the local planning authority's proposals for future development and use of land in the area. The relevant **Community Strategy** or **National Park Management Plan** (*see section 3.4*) will provide the plan with a direction in the first instance.

3.4 Links with Community Strategies and National Park Management Plans

County Councils have a duty to prepare **Community Strategies**. They are prepared by a **local strategic partnership**, which includes the council and other key partners. They set out a long-term framework for the whole authority area, and help decide priorities for delivering public services. For National Park areas, the equivalent strategy is the National Park Management Plan. Any policies or proposals in the Community Strategy (or the National Park Management Plan where relevant) which have implications for the use of land should be incorporated into the Local Development Plan.

Where possible, the **Local Development Plan** should link in with the aims of the local Community Strategy or National Park Management Plan. This means that that it is a good idea - if you can - to get involved in both, keeping a record of what you say. Please remember that **consultation** on these two documents might happen at different times.

For words in **bold** text, see Appendix B



3.5 Introduction to Local Development Plans

There is a significant role for the community in the **Local Development Plan** preparation process. In the past, **local planning authorities** prepared documents and asked people what they thought of them through **consultation**. With Local Development Plans, authorities will **engage** and **consult** with their communities and organisations at a much earlier stage, aiming to prepare the plan in partnership. Working with their communities, authorities will develop a vision (or '**core strategy**'), and **proposals** and **policies** for its area.

This means people need to be aware of the Local Development Plan preparation process at a much earlier stage. Local planning authorities, developers, the public and interested groups need to work together to pool information, and to explore options which will be in the best interests of the plan area. The aim is to produce a plan that enjoys public support, and to reduce disagreement at later stages of plan preparation. The authority will be aiming to prepare a '**sound**' plan (see section 3.10 and Appendix B for more information on the meaning of 'sound'), which can be prepared and adopted within around four years.

Local planning authorities need to try and avoid using planning jargon. If you are not clear about the words being used in a planning document, it is important to ask what they mean. Opportunities to take part in plan-making, including any written material, should be available in Welsh and English.

3.6 Requirements for preparing plans

First of all, the **local planning authority** has to agree a **Delivery Agreement** with the **Assembly Government** before starting work on the Local Development Plan. The Delivery Agreement will tell you how and when you can contribute to the **Local Development Plan**.

The Delivery Agreement should contain two parts: a timetable for producing the plan, which should be no longer than four years; and a Community Involvement Scheme. The **Community Involvement Scheme** is a statement of how the authority will involve the community in plan-making. It sets out how the authority will **consult** and **engage** with the people who are most likely to be affected by the plan. The Scheme should include:

- a list of all the **consultation bodies** to be involved in plan-making;
- how and when the public will be able to **participate** in each stage of plan-making;
- how the authority will respond to public views and opinions, and;
- how those responses will be used to develop the content of the plan, for each stage of plan-making.

3.7 Community involvement in preparing Local Development Plans

Many **local planning authorities** have already done a lot of work to engage with the **communities** in their area. However, the **Assembly Government** wants authorities to approach community **engagement** in a different way. As a key part of preparing **Local Development Plans**, authorities are asked to improve the way they engage with people. This will make sure that the final plans take proper account of local circumstances and concerns. Please note though that it may not be realistic for an authority to keep every member of the community informed.

You will be able to view your authority's **Delivery Agreement** and **Community Involvement Scheme** on their website, or at the Planning Office reception desk. If you are having difficulty understanding or commenting on a Delivery Agreement or Community Involvement Scheme, **Planning Aid Wales** can help (see section 10.1 for contact details).

3.8 Getting involved in preparing Local Development Plans

Everyone needs to understand how to take part in the plan-making process, and the importance of getting involved in the early stages. One way of getting involved in developing the plan for your area is to speak to your county councillor to let her or him know. If you live in an area with a town or community council, you should also speak to your local councillor.

The **Welsh Assembly Government** has published a useful, easy-to-read guide on how people can get involved in the different stages of **Local Development Plan** preparation. You can get a free copy of '*LDP Wales – Planning your community: A guide to Local Development Plans*' by writing to:

Publications Centre, Welsh Assembly Government,
Cathays Park, Cardiff CF10 3NQ.

Alternatively telephone 02920 898688,

or send an email to: assembly-publications@wales.gsi.gov.uk

The **Delivery Agreement** will include information on how and when you can get involved. The best time to get involved is at the beginning of the plan-making process, because this is the stage when you have a real opportunity to influence plan policies. Also, you can provide information and ideas to help improve the final plan. Once the plan has been put on **deposit**, it is much harder to change it. This is because the authority is not able to change the deposit plan.

3.9 Improving the quality of representations

Planning Aid Wales works with **community** groups and individuals to help them organise themselves, and to make inputs and comments that are short and to the point.

It is important for **local planning authorities** to **consult** and **engage** with communities in the best way they can. But the key to improving this process will be to increase the quality of **representations**, and not the quantity.

Comments which are made (or '**submitted**') on development plans are known as 'representations'. The local planning authority draws together all the contributions and representations received during each consultation stage. The authority will produce a general summary and response report following the pre-deposit stage and a **consultation report** after the deposit stage. The report which follows the pre-deposit stage will explain how the representations received have influenced the **deposit** plan.

The **Assembly Government** and local planning authorities want people to make comments on the land use matters that they are concerned about. This is because of the effect future development could have on their quality of life and enjoyment of their environment. The aim is for **Local Development Plans** to take account of those concerns, and to minimise them.

Different people are bound to have slightly different needs and worries, but it helps if a group of people or a whole community can draw together to agree a common statement. A single statement submitted to the local planning authority is much more helpful than hundreds of similar representations, all saying the same thing. Also, the single statement can be more effective.

You should make your representations at the pre-deposit stage. Once the plan is on deposit, you can then consider whether you are content with it. If you think that there are still issues which need to be looked at, or if new issues have emerged, you should make your opinions known again at the consultation stage which follows deposit. This must be done in writing, and if possible on a form provided by the local planning authority. Comments must be made within the timescale set out by the authority, which is usually a six week period. If the authority can not overcome your concerns, your comments will be considered by an **Inspector** from the **Planning Inspectorate**.

You might think that a site should not be developed for a particular purpose. If you have good planning reasons for objecting, the best time to object is at the early stages of the plan-making process. Once a planning application for housing on an **allocated** site has been **submitted**, it is usually too late to object to the principle of housing being built there.

Or you might want to make sure that a community facility will remain safe in the future. It could be a community hall, a church, a playing field, or something similar. It is a good idea to tell the local planning authority that the building or use is important to you, and should be identified in policy. If you are successful, another type of **development** on the site is not likely to be acceptable in the future, and the existing building or use is safer than if the policy was not included.

3.10 What happens after the deposit stage ?

Once the plan is on **deposit**, the **local planning authority** will not be able to change the plan. Following deposit, there is a stage known as 'site allocation representations', which means that people have an opportunity to suggest alternative sites or site boundaries for development. Comments received at this stage will be considered by the **Inspector**.

The next key stage of plan-making is the '**Examination**', which starts when the planning authority **submits** the plan to the **Planning Inspectorate**. Examination involves an independent planning Inspector deciding whether the plan is '**sound**'. The Inspector does this by considering whether the plan meets nine tests of soundness which have been set out by the Assembly Government.

If you have objected to the plan, you can ask to appear in person at the Examination by notifying the local planning authority or the Inspector. The Inspector may ask you to attend, even if you have not asked to do so. **Planning Aid Wales** may be able to help you to present your case. However, it is worth remembering that planning

Inspectors are specially trained to make sure that everyone invited to the Examination feels that they have a fair hearing.

Once the Examination is over, the Planning Inspector will review all relevant recommendations to consider what changes the planning authority should make to the plan. The Inspector will then publish an Inspector's Report outlining the changes which need to be made, and giving reasons why the changes are needed. These changes are 'binding', which means that the authority has to take them on board and change the plan.

Local planning authorities have a legal duty to inform people in their area about the forthcoming plan. They should place advertisements in the local press, and put up signs in their offices and in public places. You can help to spread the message, making sure that people in your **community** are aware of their opportunity to get involved. Once the formal processes set out above are complete, the **Local Development Plan is adopted**. From this point on, it is used as the basis for making decisions on planning applications and appeals in the authority's area.

An **Annual Monitoring Report** is prepared every year following adoption of the plan. These reports will help the authority decide whether part, or all, of the plan needs to be looked at again (which is known as a plan 'review'). There will be a major review of the Local Development Plan every four years.

3.11 Supplementary planning guidance

Local planning authorities may decide to prepare **supplementary planning guidance**. Guidance might be about matters such as takeaways or building design, or give detailed guidelines about how a particular area should develop. Supplementary planning guidance can be a very important factor in making planning decisions. You can make comments on **draft** guidance. It is useful to check your authority's list of existing supplementary planning guidance, and whether they intend to produce any more. These details may also be included in the **Delivery Agreement**.

Chapter 4

Aspects of development

4.1 What is development ?

Planning permission is needed for development, but what is 'development'?

Development is defined as:

'The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any building or other land.'

Some works and land uses are not included in the definition of development, and are outside planning control. These include:

- works of maintenance, improvement, or other alteration to any building affecting its interior or which do not have a **material** effect on external appearance;
- use of the '**curtilage**' of a **dwelling house** for any purpose connected with living in the house itself; and
- use of land for **agriculture** or forestry.

In planning law, 'dwelling house' means houses - it includes flats and other types of accommodation. The 'curtilage' of a house means the land which is attached to it and belongs with it - this is not always the whole garden area.

Your **local planning authority** will be able to advise if you need planning permission. They will also be able to give advice on the more technical aspects of the **consent** system, which are covered in the following sections.

4.2 What is permitted development ?

Some small additions and alterations are known as **permitted development**. This means planning permission is not needed.

The most common types of permitted development are extensions to **dwelling houses**, which are subject to various limits and restrictions such as the size and location.

For some **permitted development rights**, the **local planning authority** has to give its `prior approval`. For example, **prior approval** is needed for **agricultural permitted development** or for some telecommunications equipment.

Permitted development rights do not usually apply within the **curtilage** of **listed buildings**, in **conservation areas**, or in some other areas. These include **Areas of Outstanding Natural Beauty** and **National Parks**.

Local planning authorities have the power to take away permitted development rights by using something called an `**Article 4 Direction**`.

4.3 What is a change of use ?

Planning law divides most uses of property or land into different types, which are called `use classes`. A change from a use within one use class to another use within the same **use class** does not amount to **development**. This means it does not need planning permission.

Some uses of property or land do not fall within a use class. These are called `**sui generis**`. This means that a change to, or from, such a use is development and needs planning permission.

The different broad use classes are:

Part A

- A1 Shops
- A2 Financial and professional services
- A3 Food and drink

Part B

- B1 Business
- B2 General industrial
- B8 Storage and distribution

Part C

- C1 Hotels (not including hostels)
- C2 Residential institutions
- C3 Dwelling houses

Part D

- D1 Non-residential institutions
- D2 Assembly and leisure

Here are some examples of how the use class system works: Planning permission is needed to change the use of a shop (an A1 use) to an estate agent (an A2 use); A hotel (a C1 use) would need permission to change to a restaurant (an A3 use); A restaurant does not need permission to become a hot food takeaway, because both uses fall within the A3 use class.

Please remember that the use classes are different in England and Wales, and that they may change in the future.

4.4 Signs and advertisements

In planning, there are several different kinds of advertisement. Some types of adverts are viewed as 'exempt' (meaning they do not need advertisement **consent**), such as an advert on a moving vehicle. Others have '**deemed consent**' (meaning the advert or sign does not need consent), such as some estate agents' boards.

All other types of advertisement need advertisement consent, and an advertisement application should be sent to the **local planning authority**. These include most poster hoardings and almost all illuminated signs. When deciding these applications, the authority can only consider two main areas of effect. These are the effect of the advert or sign on the **visual amenity** (or appearance) of the area, and public safety (for example, will the advertisement cause danger to road users?).

4.5 Full or outline planning permission ?

Most applications are **full applications**, which means they include all details of the **proposal**. Where the application relates to the erection of a building, the applicant can apply for permission in two stages. First, an **outline application** is submitted for the **local planning authority** to decide if the principle of development on the site is acceptable. This could just be a simple plan showing where the site is located, unless the authority ask for more information.

Matters to do with siting, or **access** to the site, can be dealt with at this stage or left for a second application. The second application will be for approval of **reserved matters**, which can include **design**, the **appearance** of the outsides of buildings, and **landscaping**, but not any changes to the site boundary or class of development.

For certain types of development, the local planning authority may need a lot of additional information to process an application. It is always best to ask your local planning department at an early stage for advice about how much detail will be needed. This is called **pre-application advice** and is normally available on request (*see section 5.1*).

4.6 Listed building consent

A **listed building** is a building of special architectural or historic interest. If a building is listed, it has been placed on a list, prepared by Cadw (Welsh Historic Monuments), held by the **local planning authority**. The definition of a listed building includes the building itself, objects or structures which are fixed to it, and any objects or structures within the **curtilage** which have been there since before 1 July 1948.

For any alterations to a listed building which would affect its character as a building of architectural or special interest, you will need to get **listed building consent**. **Permitted development rights** (*see section 4.2*) may not apply within the curtilage of listed buildings. This means that planning permission may be needed even for minor works. Cadw needs to approve most applications for listed building consent. Applications for listed buildings which are owned by the local planning authority need to be determined directly by Cadw.

4.7 Conservation area consent

Conservation areas are areas which are of special interest for historic or architectural reasons. There are special controls on development in conservation areas. For example, **conservation area consent** is needed for most demolition works. Also, any work to trees will need to be agreed with the **local planning authority** before it is carried out (*see section 4.9*).

The authority needs to decide if **proposals** will be in keeping with the character or **appearance** of the conservation area. Some **permitted development rights** may be removed in conservation areas, usually through an **Article 4 Direction** (*see section 4.2*). Otherwise, planning permission for development in a conservation area needs to be applied for in the usual way.

From time to time, authorities may produce Conservation Area Appraisals which are used to help make planning decisions.

4.8 Historic parks and gardens

Some parks and gardens are listed in a register of historic parks, which is prepared by Cadw. Although there is no separate legal protection for these parks, their historic parks status is a **material planning consideration**.

4.9 Tree preservation orders

Trees are important to screen and soften the impact of development. They are also an important feature of the local scene. A tree preservation order (or 'TPO') can apply to an individual tree, a small group of trees, or to a whole woodland. It is a way of protecting trees which are important to the environment of an area and provide public benefit.

Often, an Order may be made suddenly by the **local planning authority** because it has reason to believe that the trees are under threat. It is an offence to damage, fell, lop, or top a tree which is covered by a TPO, unless the planning authority has given **consent**.

Where a tree covered by a TPO is in a dangerous condition, the authority will usually allow it to be felled. It would normally ask for a replacement tree to be planted.



4.10 Certificate of lawfulness of a proposed use or development

If someone wants to be certain that a planning application is not needed for a proposed use or development, they can apply for a **certificate of lawfulness of a proposed use or development**. The decision whether to grant a Certificate is a legal one, and many planning authorities **delegate** such decisions to legal and planning officers (see section 5.6). Authorities do not have to notify the public about these kinds of applications, although they may do.

Chapter 5

Planning applications; the process

5.1 Before the application is submitted

Often **applicants** discuss **proposals** with planning staff before making an application (known as **pre-application discussions**). These discussions can be confidential, and staff may not be able to answer questions from **third parties** about the discussion. In some cases a developer may wish to have informal discussions with other interested parties such as **community and town councils** before putting in an application.

More than one application can be **submitted** for the same piece of land. This can be done at the same time, and even by the same applicant. An application can be withdrawn by the applicant before a decision is made. Also, if an application is refused it can be resubmitted, either with or without changes (known as **amendments**).

It is always a good idea to try and sort out any difficulties before an application is submitted to the **local planning authority**. If you are thinking of a proposal, it is best to talk with neighbours and other people who may be affected. This will give you a chance to explain the scheme, and can help to reduce any concerns. You can change your plans to deal with any remaining concerns.

If you know somebody is considering a proposal that would affect you, ask to discuss it with them. See if they will **amend** it to meet your concerns. This will help everyone concerned, and may result in a better outcome.

5.2 Submitting a planning application

You should complete the planning application form and **submit** it to your **local planning authority**.

You should include the following with the application:

- a location plan showing where the site is;
- plans showing details of the **proposed development**;
- a certificate of ownership, and;
- the appropriate fee (a list of current fees is available from your planning office).

An **applicant** who does not own the application site has to serve a notice to tell the land owner about the application.

Applications are often submitted by the person who has prepared the plans, who is known as the **agent**.

5.3 Environmental impact assessment

A very small number of planning applications (less than one per cent in Wales) need to include an **environmental statement**. This is a technical document that provides information on the likely impact of the **proposal** on the environment. Assessing what should be covered in the statement is called 'scoping'. Members of the public are given a chance to comment on the statement, as well as on the application itself. Any comments are taken into account by the **local planning authority** when it considers the statement, before a decision on the planning application is made.

Major projects (known as 'schedule 1 developments'), such as major power stations or large new transport projects like motorways, always require an environmental statement.

Some other large scale proposals, or proposals close to a particularly sensitive site, are called 'schedule 2 developments'. These may require an environmental statement, if the local planning authority thinks the development might have significant effects on the environment.

For example, if a business park is proposed next to an area of **nature conservation** importance, the authority has to decide whether a statement will be needed. If one is needed, the authority will tell the applicant, who can appeal to the **Assembly Government** if he / she thinks the decision is wrong.

An authority can refuse to start processing an application until it has received the environmental statement. The process of deciding if an **environmental impact assessment** is needed is called 'screening'.

5.4 Design statements

These should be **submitted** with all planning applications for **development** which have **design** implications. This includes applications for new buildings, or to extend existing buildings. These statements should explain the development's design principles, its relationship with the surrounding area, and how it relates to **development plan policies** and any relevant **supplementary guidance** (see section 3.11). For small scale developments, design statements can be short written statements, with illustrations and photographs if necessary.

5.5 Access to plans and other information

Once a planning application has been **registered**, you can look at the details of the application at the offices of your **local planning authority**. The public can also ask to look at files and documents which are connected to a topic reported to a **committee** of the authority in the last four years. Other files relating to planning issues are available to look at free of charge if the document has been reported to a committee. However, you will not be able to see papers which are **confidential**, because they are about financial and personal matters.

You might want to find out more about a **development plan** which is being prepared, or **design** guidance which applies to your area. The **committee report** and minutes of the committee meeting are available for the public for up to six years. Committee reports and **agendas** must be available to the public at least three working days before a meeting takes place. Copies of meeting agendas, reports to committee and **minutes** should be available free of charge.

Other background information or copies of plans can be made available for a charge. However, normal copyright rules apply after an application has been **determined**. This means that while you can

look at the application details, you will need the permission of the copyright holder (usually the **applicant**, architect or **agent**). *To see how the Freedom of Information Act affects public access to planning information, see section 7.6.*

5.6 From submission to decision

Once a planning, or other application is **submitted** to the **local planning authority**, its planning staff are responsible for making sure they have the information they need to **determine** it. This information will usually be set out in a report to help members of the **planning committee** make a decision on the application. Many smaller applications (house extensions for example) may not need to go to committee for a decision, but are decided by senior staff. This is known as using `delegated powers`. Rules about **delegated powers** are approved by councillors, and may be different for each authority.

Officers consider various types of information when they process an application - technical and local **representations**. Technical matters include any **development plan policies** relating to the site (*see Chapter 3*), and may also include **Assembly Government** policies contained in **Planning Policy Wales, technical advice notes** and **circulars** (*see Chapter 2*). Officers seek advice from other specialist council officers, such as **highway** engineers or environmental health officers. Depending on the type of application, they may also seek the views of **government agencies** such as the Countryside Council for Wales, Cadw, or the Sports Council for Wales.

The views of interested parties, including **community and town councils**, residents' associations, action groups, conservation groups and individual people, will also be taken into account where they relate to planning issues. The planning merits of the application is what counts - not the number of **representations** which are received. However, if a number of people object to a proposal and sign a petition against it, some councils do allow a **representative** to speak at planning committee. Ward councillors can also speak at committee, either for or against a proposal, but they can not vote.

5.7 Notifying the public of an application

The **local planning authority consults** people on applications which are next to or close to their property. The amount of **public consultation** carried out depends on two things: the type of **development** which is pro-

posed, and the type of planning application. All applications (apart from those for advertisement consent - *see section 4.4*) need to be publicised locally. This can be by a letter to neighbouring occupiers, or by putting up a public notice at the site.

Applications for larger developments, or applications which are not in line with **development plan policy** (known as ‘**departures**’ from the plan), must be publicised in a local newspaper as well as **notified** to neighbours directly. Examples include **proposals** to build ten or more houses, and non-housing developments of more than 1000 square metres (10,760 square feet) of floor space. Heritage applications (**listed building** and **conservation area consents**) also need to be advertised in newspapers (*see sections 4.6 and 4.7*).

Any person, group or organisation can comment on the planning merits of any application. Their comments are put on the file and you can ask to see them, as well as other documents in the application file (*see section 5.5*).

Community and town councils have the right to be notified of every planning application in their area. Local planning authorities can do this in different ways. Some send councils a weekly list of planning applications, and the councils ask to look more closely at the ones which interest them. Others directly notify councils on each application. Normally, one full set of application drawings for each planning application is sent to the Clerk of the local council.

There is a given time for people to respond (or make **representations**) - usually 14 or 21 days. After this time, the authority can **determine** the application.

5.8 Your role, including lobbying of councillors

Your comments, either for or against an application, need to be sent to the **local planning authority**. Comments and **representations** should be as short and as clear as possible, and related to planning issues - remember that they will be put in the application file, and people will be able to see them. You may want to send a copy of your

letter to your county councillor. If you live in an area with a community council, you should also send it to your local councillor. Your councillor may have time to advise you on the best way to put forward your views - they have useful experience of doing this. But please remember that they are busy people and have lots of other matters to deal with.



5.9 What are material and non-material considerations ?

A decision made on a planning application must take into account the **development plan**, and the decision should relate to planning issues. But sometimes there can be other planning factors (known as 'material considerations') which are relevant, and might lead an authority to decide otherwise.

The scope of **material considerations** is wide and can include:

- policies in the **local plan, structure plan** or an emerging **Unitary Development Plan** or **Local Development Plan**, even if the plan has not yet been **adopted** (see Chapter 3);
- planning policy guidance (see Chapter 2);

MATERIAL PLANNING
CONSIDERATIONS
INCLUDE THE
SUITABILITY OF
THE SITE



- the suitability of the application site;
- the visual **appearance** of the proposed development, and how it fits in with its surroundings. This is a complicated area but can include the materials, height, scale, massing, **design, density** and layout of the proposed development, particularly how it relates to other buildings in the local area;
- **landscaping proposals**, privacy, over-shadowing, over-development (overcrowding), and lack of natural light;
- nuisance which might be caused by the development, such as noise, smell, fumes, glare from floodlights or the headlights of vehicles;
- safety issues such as a **proposal** to site a firework factory next to houses;
- any impact on the setting of **listed buildings** or a **conservation area** (see sections 4.6 and 4.7);
- compatibility with existing uses, such as the mix of uses found in town centres - shops, offices and cafes;
- economic benefits, such as creating new jobs;
- the needs of an area, such as employment, commercial, social or leisure facilities, and affordable housing;

- **access** and transport including road safety, parking issues, effect on pedestrians and cyclists, and the amount of traffic which will result from development;
- adequacy of infrastructure, such as sewerage, drainage and water (see sections 9.3 & 9.4);
- pollution and **contamination** (see section 9.5);
- impacts on archaeology;
- impacts on **nature conservation**;
- creating an undesirable **precedent**, which would make it difficult to resist similar **proposals** elsewhere, and;
- the planning history of the site, such as decisions on previous planning applications on the same site, particularly **appeal** or court decisions.

Very occasionally material considerations may include personal circumstances. For example, a material consideration might be the special needs of an **applicant** requiring adaptations to allow easier access.

Some examples of things which are not **material considerations** include:

- ethical issues, such as: the location and running of massage parlours; the encouragement to gamble that a new betting office might create; whether a new club may encourage young people to drink too much; whether a builder is respected in the neighbourhood, or the reputation of the applicant;
- the effect of local commercial competition on an existing business, such as the opening of a new fish and chip shop next door which might put an existing fish and chip shop out of business. However, larger scale impacts can be considered, such as whether an out-of-town store may cause the local high street to decline;
- the personal circumstances of the applicant, such as devaluation of property, and private property rights including boundary and access disputes;
- private interests, such as loss of a view or competition between businesses;
- the cost of the development;
- title restrictions, such as legal covenants;
- the fact that an applicant might not own an application site;

- issues covered by other legislation, such as health and safety regulations, licensing, building control, and;
- any factor indicating that there is a lack of any reasonable chance that the development will go ahead.

5.10 Tips for commenting on planning applications

If you follow the advice in the points below, it will increase the chance of your views being taken into account:

- Give a number to your concerns, and set them out in separate paragraphs.
- Make sure that your comments are relevant to planning control (*see section 5.9*). Planning staff at your **local planning authority** can not tell you what to say, but they can advise you on whether any point is relevant to planning control or not.
- List and arrange your **objections** in a logical way. Start with any comments on the **proposed development**, and if possible refer to **development plans** and other relevant **policy** documents. Then go on to cover **design** and layout issues, such as **access** arrangements, **density**, and the **appearance** of buildings.
- Always make sure your comments are submitted to the local planning authority within the set timescale.
- Always make sure your comments are directly related to the development scheme which has been **submitted**.

Chapter 6

Deciding planning applications

6.1 The time taken to make a decision

Each **local planning authority** has a different way of processing planning applications - some are quicker than others. Authorities should deal with applications within a time limit of eight weeks, or sixteen weeks for those applications which needs an **environmental impact assessment** (see section 5.3). This may seem a long time, but the same people are dealing with many applications at the same time. They all require public consultation, and many require discussion with other organisations such as the Environment Agency. If an application is **amended**, the consultation process will need to be repeated.

Applications which are not decided in this time can be taken to **appeal** by the **applicant**, on the grounds of 'non-determination'. Applications which cannot be decided by senior planning staff using **delegated powers** (see section 5.6) must wait for a **planning committee** meeting. These are usually held every three to six weeks, on a weekday afternoon or evening.

The Assembly Government has made it clear that the quality of planning decisions, and outcomes, is the important thing - not how quickly they are **determined**.

6.2 'Calling in' an application

The **Assembly Government** can '**call in**' any planning application. This means it will make the decision instead of the **local planning authority**. This rarely happens in Wales and applies to only a handful of applications each year.

An application is only likely to be called in if it:

- conflicts with national planning policies (see Chapter 2);

- could have wide effects beyond the immediate area;
- might give rise to substantial controversy beyond the immediate area;
- is likely to have a significant effect on sites of scientific, **nature conservation** or historic interest, or areas of landscape importance;
- raises issues of national security, or;
- raises new planning issues.

6.3 Planning committee meetings

Different **local planning authorities** have different names for the **committee** which decides planning applications. It may be called a 'sub-committee', and the name may include '**development control**'. These meetings are open to the public.

The committee is made up of councillors, who have to declare an interest, personal or financial, in any application they are considering. They can not take part in discussions or vote on an application if they have an interest in it (*see sections 6.4 & 6.5*). The committee can **determine** applications **submitted** by other departments of the same council (for instance, to build a new school) but not from itself. Planning and other technical officers attend committee meetings to explain applications and give advice. The head of development control will usually be there.



The way each committee is run varies. Although the public can attend, they do not usually have the right to speak on an application. However, some authorities allow for public speaking in their 'standing orders' (or rules). Some authorities make exceptions to the no-speaking rule - for instance, if a large petition has been received, the main petitioner or organiser may be able to attend and speak.

Planning Aid Wales can advise you on how to present your case at the meeting. If you are not sure whether your authority allows **third parties** to speak at committees, you should ask. If you want to attend and hear what is said about a particular planning application, then ask for it to be heard early, as meetings can go on for many hours. A **schedule of reports** on applications, including all the recommendations, is available at least three days before the committee. The schedule can be added to right up to the time of the committee meeting - this is called a '**late representation**', and will form part of the committee report.

6.4 Financial and other interests

Assembly Members and **county councillors** have a duty to act in the public and wider community interest, and they must be seen to be doing so. They should not take decisions which favour an individual interest or locality. If they are voting on planning matters, it is essential that they approach decisions with open minds. Until all the information and arguments have been fully considered, they must not express opinions which suggest they have already decided how they are likely to vote.



For words in **bold** text, see Appendix B

6.5 Codes of conduct for Assembly Members and county councillors

Being open-minded and fair is particularly important when county councillors are members of a **planning committee**, or when Assembly Members sit on a planning decision committee. In each case, there is a **code of conduct** which requires them to consider whether they have a personal interest in a decision, and whether the code requires them to make that interest public. Codes of conduct are publicly available documents.

Personal interests can relate to members' family, friends or personal acquaintances. They can also be to do with employment, business or property interests, or to membership of clubs and societies.

Members must disclose any interest at the start of the discussion, or when the interest becomes apparent. Depending on the type of interest, a member may be able to speak but not vote on a matter, or be required to withdraw completely from discussions.

The codes of conduct do not prevent Assembly Members or county councillors from considering the views of their constituents, or bringing them to the attention of the authority dealing with an application. However, they should not try to prejudge any planning matter until all the issues have been considered fully.

6.6 Site visits

In most cases, the officer making **recommendations** on an application will visit the site. In unusual cases, committee members may visit a site before taking a decision. This allows them to look carefully at the impact and acceptability of a **proposal**. Each council has rules for how these visits are conducted - ward councillors and interested people can attend, but discussion of the issues is not usually allowed.

6.7 Possible decisions

The **committee** considers the reports and any other information provided, including feedback from site visits, and decides whether the **proposal** is suitable or not. The committee can accept all, or part of the officer's **recommendations** to approve or refuse an application. It can

also go against a recommendation, suggest extra planning **conditions** (see section 6.8), or remove suggested conditions. These decisions have to be taken with care, based on planning considerations and the reasons given. If there is a successful **appeal** against a decision, the authority can be held responsible for costs if it has acted unreasonably.

The committee can **defer** consideration for more information, or decide to visit and inspect the site (see section 6.6).

Once an application has been approved or refused, a '**decision letter**' containing the decision, along with any conditions and the reasons for them, is sent to the **applicant**.

6.8 Conditions of planning permission

Conditions on planning permission are important. They must be clear, unambiguous and reasonable. They can be very restrictive. Many require details to be **submitted** and approved by the **local planning authority** before any work starts on site. Some conditions, such as providing a new footpath, may need further **consultation** and another report back to the **committee**. Conditions can only be changed or removed by a new application, or by an appeal against a particular condition. An **appeal** against one or more conditions can be made to the **Assembly Government** (see section 7.1).

If an authority wants to impose something which can not be covered by a condition, it may try to make the application subject to a legal agreement. These are called 'Section 106 Agreements', and are agreements between the local planning authority and the developer (or sometimes by the developer alone). They are often about securing benefits for the wider community that will be provided by the developer. They can address issues which are raised by, or associated with the development itself - for instance, an agreement could seek improvements to a **highway** near the application site. Planning permissions which are subject to a Section 106 Agreement are not valid until the legal agreement has been completed.

Chapter 7

Appeals

7.1 What is an appeal ?

Appeals can be made by an **applicant**, most commonly where planning permission has been refused by the **local planning authority**. Appeals are made to the **Planning Inspectorate**, an agency of the **Assembly Government**. Appeals must be made within six months of the refusal of planning permission.

Appeals can also be made to:

- remove or change **conditions** applied to planning permissions;
- require issue of a **certificate of lawfulness of a proposed use or development** (see section 4.10) or **certificate of lawfulness of an existing use or development** (see section 8.3);
- appeal against refusal of **listed building, conservation area** or a advertisement regulations consent (see sections 4.6, 4.7 and 4.4);
- appeal against **enforcement notices** (see section 8.2), and;
- appeal against refusal to permit works affecting trees which are the subject of a tree preservation order (see section 4.9).

An applicant can also appeal if their application has not been determined within the set time limits (see section 6.1).

7.2 Who can appeal ?

The right of **appeal** is usually only available to the person who has made an application to a **local planning authority**. The person who submits an appeal is called the '**appellant**'. **Third parties**, such as neighbours, **community and town councils**, residents associations and other special interest groups, can not appeal against a decision on somebody else's application. For instance, the law does not allow a group of objecting residents to appeal against the decision of a local planning authority to grant permission for a new housing development in their neighbourhood. Third parties can only make their views known if the **applicant** appeals against the decision.

7.3 How are appeals carried out ?

Appeals are normally carried out and decided by a **Planning Inspector**, appointed by the **Assembly Government** (see section 7.1). Appeals can be dealt with in three different ways; by **public inquiry**, **hearings** or **written representations**. In all three cases any comments must be sent in by the deadline, or they will not be considered.

Appeals dealt with by public inquiry usually involve large developments, such as major housing and shopping schemes. They are used when there is a lot at stake, and where the evidence needs to be **examined** seriously. Often each side uses a barrister, who will call on and **cross-examine** expert witnesses. **Third parties**, such as special interest groups and residents groups, can also appear at public inquiries. If their evidence is 'tested' (subject to cross-examination), it can carry more 'weight' (it will be taken more into account).

Hearings are usually a round-table discussion led by an Inspector. There is no formal cross-examination or **advocacy**, which allows people to put their cases fully and fairly. The atmosphere at a hearing is also more relaxed than at a formal public inquiry. A hearing is a simple alternative to an inquiry, and is usually best for less complicated cases involving smaller scale development, and cases which do not generate a lot of third party interest. A hearing is not the right method if many members of the public are likely to be present, or the case raises complicated legal or **policy** issues.

Written representations is the most commonly used way of making an appeal. It is suitable for smaller developments, where the issues are fairly straightforward and best left to the judgement of an Inspector. He or she will look carefully at all the written evidence **submitted** by the **appellant, local planning authority** and interested third parties. Often, the Inspector will also make an unaccompanied site visit before coming to a decision.

7.4 Making your views known at an appeal

Once an **appeal** has been lodged, the **local planning authority** will advertise the appeal. This gives neighbours and previous objectors a chance to put forward their views to the **Inspector**. **Representations** made in this way are sent to the **Planning Inspectorate**. **Third parties** wanting to appear before the Inspector at a **public inquiry** need to tell

the **Planning Inspectorate** in advance. In the case of a **hearing**, it is advisable to do so. In both cases, third parties are normally asked to provide a written statement of their case in advance.



7.5 What happens after the appeal ?

Following the **submission** of written evidence and, in some cases the completion of a **public inquiry** or informal **hearing**, the **Inspector** will consider the case before deciding whether to 'allow' or 'dismiss' the **appeal**. The Inspector's final decision is set out in a letter. Once released, this letter replaces the original decision made by the **local planning authority**. The Inspector's decision is final and can only be challenged in the High Court on a 'point of law' (see section 7.6).

7.6 What to do if you can't appeal

Only the **applicant** can **appeal** to the **Planning Inspectorate** about a planning decision made by the **local planning authority** - there are no **third party** rights of appeal (see section 7.2). If you have concerns about whether the correct procedures have been followed, you should contact the authority's **monitoring officer**. They will deal with the complaint and let you know the outcome. However, the monitoring officer can not overturn the decision.

The Public Services Ombudsman for Wales deals with members of the public or organisations who have suffered because of **'maladministration'** by a local authority in Wales. The Ombudsman also looks at cases where **elected members** may not have complied with an authority's **code of conduct** (see section 6.5).

These cases can take months or even years to complete. Even if a complaint is upheld, the Ombudsman usually only recommends that the authority offers a remedy for the injustice. The recommendations are not legally binding, but the authority usually acts on them. It is very rare that the Ombudsman recommends that a decision should be **'revoked'** (or overturned). The Ombudsman does not consider the merits of a planning case - he is only interested in seeing that the right procedures have been followed.

Judicial Review is a long and expensive process - it is therefore not used often. **Third parties** and applicants can follow the process of judicial review through the courts if they feel that a decision (and actions leading to that decision) by the local planning authority was not correct in law. There is a test to show whether it is worth taking a case through the judicial review process - did the authority follow the letter of the law in coming to their decision? That is what counts, not whether the decision was right or wrong in itself.

An application for a judicial review must be made within three months from the date of the planning decision letter. The first thing you should do is to look for advice from a planning barrister or lawyer. Find out whether the case is worth taking to review. If it is, find out how much it is likely to cost. But remember, a decision which goes against the applicant might mean them paying the costs of the local planning authority.

The parts of the **Human Rights Act** which are most important for planning are Article 1, Article 6 and Article 8. The House of Lords ruled in 2001 that the planning system, and especially the appeal procedure, is consistent with Article 6 (which deals with the right to a fair trial). Article 8 is about the right of respect for private and family life, and for the home. Article 1 is about the peaceful enjoyment of property.

For words in **bold** text, see Appendix B

A claim made under these articles to the **Court of Human Rights** can only be successful if the interference in the right of an individual is not outweighed by the public interest. Cases where somebody's human rights are found by the Court to have been violated by a planning case are very rare. Less serious effects can be **material considerations**, but are not likely to lead to a successful claim under the Human Rights Act.

The **Freedom of Information Act 2005** means that any person can ask any public authority and government department for any recorded information that they keep. The Act works with two other areas of law - the Data Protection Act, which allows people to access information about themselves, and the Environmental Information Regulations, which give people access to information about the environment.

All public authorities covered by the Freedom of Information Act have a 'Publication Scheme'. You will be able to find this on your authority's website or at its offices. All requests for information must be made in writing, and a charge may be made for the information.

Chapter 8

Enforcement action

8.1 The principles of enforcement

Although the law says that planning permission is needed for **development**, a **local planning authority** can only take **enforcement action** if it is '**expedient**'. An authority should not take enforcement action against a development which does not have planning permission, if permission would be granted were it to be applied for. There needs to be evidence that enough harm is being caused to deserve enforcement action.

Enforcement action also needs to happen within time limits - four years for the substantial completion of building operations, or **change of use** to a **dwelling house** (which includes self-contained flats). In all other cases, the time limit is ten years. The same is true of other breaches of planning control, such as failure to comply with **conditions** (see section 6.8). Many enforcement problems involve 'grey' areas - for instance, has there been a breach of planning control? Is the development so harmful that it deserves enforcement action? And in the case of building operations, is it substantially complete?

8.2 Enforcement notices and stop notices

A **local planning authority** can serve an **enforcement notice** or, in rare, especially urgent cases, a **stop notice**. Although a breach of planning control is not a criminal offence, it is a criminal offence to fail to comply with these notices. The fines for not complying are hefty, and prosecutions are not common - fines can reach £20,000 in the Magistrates' Court and more in the Crown Court. The planning authority may be able to use the threat of a notice to persuade the developer to put matters right within a given timescale.

However, authorities are dependent on timetables set by the courts, and it can take several months to bring a case to full trial. Planning authorities have to be especially careful about the use of stop notices. They risk having to pay compensation if the notice is overturned on **appeal**.

For words in **bold** text, see Appendix B

8.3 Certificate of lawfulness of an existing use or development

This Certificate can be applied for if someone wants to make certain that an existing **development** is immune from **enforcement** action. It may be that it benefits from a historic planning permission, or that it is **permitted development** (see section 4.2), or that the time limit for taking enforcement action has passed. The Certificate is usually applied for in relation to something which does not have planning permission but which has been there for a set number of years. For example, if a house has been in use as self-contained flats for more than four years without planning permission, a Certificate can be applied for.



8.4 How can you help to secure enforcement action ?

Most local planning authorities employ **enforcement** officers, or have **development control** officers dealing with enforcement issues. If you think **development** or **change of use** of a site or building is taking place (or has already taken place) without a planning

permission, you should contact them. They may already know about the case - if not, they will ask you to write in with relevant information. This will include a clear description of what has been developed, where it is, and an account of any harm which is being caused.

Give details of neighbours or other people who are willing to come forward with evidence. For instance, in the case of an unauthorised back lane garage, the dates, times and vehicle index numbers of cars blocking the lane while waiting to be repaired. It is best not to wait too long before reporting possible unauthorised work, as this can stop major problems from developing.

In the case of applications for a **certificate of lawfulness, community and town councils** can confirm or dispute matters put forward by the **applicant** as fact, or provide additional evidence which might have a bearing on the application. The difficulty is that specialist legal knowledge is required to appreciate fully what facts might be important, so it is best to provide as full an account as possible.

If enforcement cases go to **appeal**, you can support the **local planning authority's** case by writing to the **Planning Inspectorate**. Ask the enforcement officer if there is any evidence or other information which you or other people might be able to provide. But be careful how you use this approach - if the case is not really urgent, it might lead to a report to **committee** recommending that it is not **expedient** to take action. If the case is urgent, other approaches can provide a faster solution. Your environmental health department can often take action against excessive noise or other serious threats to public health and safety.

Chapter 9

Related issues

9.1 Building regulations

The planning system controls how land and buildings are used, and considers the effect of buildings and other structures on the environment.

Building regulations control how buildings are actually built. The aim of building regulations is to make sure that people in and around buildings stay healthy and safe. The regulations also encourage energy efficiency, and the providing of facilities for disabled people.

You should contact the building inspectors at your local authority if you have any questions about **building regulations**.

9.2 Roads and highways

The building of all new roads and **highways** needs planning permission (for very major schemes, an Act of Parliament is used). However, most work which is carried out by a **highway authority** or **utility company** on land next to a highway boundary is classed as **permitted development**, meaning that it does not need permission.

Planning permission is needed to build an **access** on to a trunk road or classified road. In all cases the developer will need to agree construction details with the highway authority.

9.3 Water drainage

Sometimes a **proposed development** increases the risk of flooding or pollution from surface water run-off. In such cases, different ways of reducing peak water flows will need to be looked at, including `soft' engineering methods. `Soft' methods are less harmful to the environment, and have less of an impact on landscape than `hard' structures made of concrete or tarmac.

'Sustainable drainage systems' can also improve river water quality and the conditions for wildlife. They copy nature by using drainage features such as ponds, grassy areas, moisture-loving trees and marshland. They are better than 'hard' drainage systems and should be used wherever possible. Where a conventional drainage system is used, it may need to improve on the current situation.

METHODS TO
REDUCE PEAK
WATER FLOWS
INCLUDE THE
USE OF 'SOFT'
ENGINEERING
TECHNIQUES



9.4 Foul water drainage

A **proposed development** in an area already served by the **sewer** network must, where possible, connect to the public **foul** sewer. The developer needs to make sure that the site can be connected to the nearest sewer, and that there is enough capacity to treat the extra sewage. This prevents **pollution** of local streams and rivers.

Private sewage treatment within areas already connected to the sewer network is not considered to be acceptable. A proposal to use private sew-

age disposal facilities will only be acceptable if connection to the public foul sewer is not possible. This must be for some reason other than the cost of connection. An application which includes the use of a private drainage system needs to be assessed to look at the effects on the environment and public health in the local area.

9.5 Preventing pollution

Although land use planning and environmental management are dealt with through different systems, the planning system plays an important role in reducing risks to the environment. But planning should not try to control things that should be dealt with by the **Environment Agency**, which is the **pollution** control authority.

Development proposals may need to include measures to prevent pollution during construction - the Environment Agency provides Pollution Prevention Guidance Notes which cover the key risks to soil and water, including oil pollution.

Chapter 10

Where to go for more help

This Chapter is relevant and up-to-date at the time of printing. However, website addresses and contact details may change in the working life of this Handbook. If you find other useful sources of information, or have any updates, please contact Planning Aid Wales (*see below for details*).

10.1 More help on the land use planning system

Land use planning advice and information is available from the following sources:

Local planning authorities

It is always best to contact your **local planning authority**, and others involved, as early as possible about **development control, enforcement** or **development plan** issues. The planning officers at your local planning authority will usually be happy to explain how they are dealing with current cases and relevant development plan **policies**. However, you will need to give them enough time to make arrangements if there are a lot of people involved, or if a meeting is needed. Many local planning authorities have a Planning Charter which sets out their procedures in detail.

Planning authorities stock a range of publications, including those published by other agencies. Many of these are free. The address and contact details for local authorities and local councils can be found at www.direct.gov.uk or from the Welsh Local Government Association (*see section 10.2*).

Planning Aid Wales

Planning Aid Wales (PAW) provides free information and advice on the land use planning system to individuals and community organisations. The help PAW gives ranges from explaining a planning issue in a quick telephone call, to helping people **participate** in a **public inquiry**, or prepare **proposals** to improve an area. Help can only be given to people who will not make money from the planning advice received. PAW has published several

For words in **bold** text, see Appendix B

booklets and leaflets with the aim of increasing public participation in the planning system.

A Telephone Helpline Service is available from 10am to 1pm, Monday to Friday.

Helpline: **02920 485 765**
Website: www.planning-aid-wales.org
Email: ccc paw@btconnect.com
Address: Planning Aid Wales
Suite 1, Bay Chambers
West Bute Street
Cardiff Bay CF10 5BB

The Welsh Assembly Government

The Welsh Assembly Government is responsible for developing and implementing the planning system in Wales. It tries to make sure that the system meets the needs of the people of Wales. The Assembly Government produces guidance on national planning policy (*see Chapter 2*).

Telephone: **02920 825 111**
Website: www.wales.gov.uk/subiplanning/index.htm
Address: WAG Planning Division
Cathays Park
Cardiff CF10 3NQ

The Planning Inspectorate

The Planning Inspectorate deals mainly with processing planning and **enforcement appeals**, and holding inquiries into **development plans**. But it also deals with a wide range of case work which is related to planning, including **listed building consent** appeals, advertisement appeals, and reporting on planning applications.

Telephone: **02920 823 866**
Website: www.planning-inspectorate.gov.uk
Address: The Planning Inspectorate
Cathays Park
Cardiff CF10 3NQ

Where to go
for more help

Legal advice

The **Bar Pro Bono Unit** provides free legal advice and representation in cases where public funding (**legal aid**) is not available, or where the **applicant** can not afford legal fees. The Unit helps by putting solicitors, advice agencies and members of the public in touch with barristers, who can give advice free of charge. Barristers will provide advice, either in writing or in conference, represent applicants in any court or tribunal, and help with **mediation**.

Bar in the Community is funded by the Bar Council. It helps voluntary groups by finding barristers who are willing to sit on management committees. However, it does not provide free legal advice, but barristers have many other valuable skills and connections which will help voluntary groups. The Bar Pro Bono Unit and Bar in the Community can be contacted during office hours at:

Telephone: Bar Pro Bono Unit: **02076 119 500**
Bar in the Community: **02076 119 511**
Website: www.barprobono.org.uk
Email: enquiries@barprobono.org.uk
Address: Bar Pro Bono Unit
289–293 High Holborn
London WC1V 7HZ

Useful internet links

More useful sources of land use planning information and guidance can be found on the following websites.

The **Planning Portal** provides a lot of free planning information and services in one online place. This includes information about the planning system, applying for planning permission, finding out about development in your area, **appealing** against a planning decision, and researching the latest government **policy**. You can access the Planning Portal at: www.planningportal.gov.uk

UK Planning puts people in touch with planning services throughout Wales, England and Scotland. The website allows you to look for free planning advice which has been written for one particular region. You can search the

database of real planning applications, and you can complete planning and building control application forms online. The website also provides a 'planning doctor' service, standard forms, and a planning application fee calculator. UK Planning can be found at:

www.ukplanning.com

The **Royal Town Planning Institute** aims to further the science and art of town planning so it will benefit the public. It is a membership organisation and registered charity. Most of its members are fully qualified professional planners. Information about the Institute can be found at:

www.rtpi.org.uk

The **Town and Country Planning Association** is Britain's oldest charity concerned with planning, housing and the environment.

It campaigns for change in the planning system, to make it respond better to the needs of ordinary people. The Association also promotes **sustainable development**, putting the case for a fair society and a healthy environment in debates about planning **policy**. It also gets involved in housing and energy supply issues. The website for the Town and Country Planning Association is:

www.tcpa.org.uk

The **Planning Officers' Society Wales** works closely with its partners in Wales to support working planners. It has close links with the Welsh Assembly Government and the Welsh Local Government Association. The Society's website is a good source of information on planning policy in Wales, and has good links to other interesting sites. The website address is:

www.mvm.co.uk/planningofficers/posw/home.htm

You can use the **Online Directory of Planning Consultants** for free to find contact details of planning consultants in Wales. It gives valuable information on chartered town planning professionals including the range of planning services provided, skill areas, staff biographies, and links to other sites. You can find the Directory at:

www.rtpiconsultants.co.uk

10.2 More help with topical and related issues

There are many agencies and organisations that can help with issues which are closely connected to land use planning. These issues include regeneration, design and the natural and built environments.

Sylfaen Cynefin can provide free initial consultations on urban and rural design matters. They can also help with raising funds for community projects, and offer professional services in architecture, landscape design and urban design. They deal mainly with community groups, including community and town councils, and with projects ranging from designing play areas to preparing town strategies. Sylfaen Cynefin can be contacted during office hours at:

Telephone: **01792 646 467**
Website: www.sylfaencynefin.org.uk
Email: communitydesign@sylfaencynefin.org.uk
Address: Sylfaen Cynefin
Salubrious Passage
Swansea SA1 3RT

ProHelp is a network of more than one thousand professional firms. They offer to give local community and voluntary groups their time and skills for free. ProHelp members include surveyors, architects, accountants, solicitors, public relations specialists, property consultants, engineers and IT consultants. In Wales, there are five ProHelp groups based in Cardiff, Ceredigion, Mid Wales, Swansea and North Wales. Member firms usually carry out single projects, which might include a feasibility study, a structural survey, a marketing and business plan, or legal and accountancy advice. Contact ProHelp to find out they can help.

Telephone: **02920 483 348**
Website: www.bitc.org.uk/programmes/programme_directory/prohelp/
Email: liz.stevenson@bitc.org.uk
Address: Pro Help, Business in the Community
Empire House, Mount Stuart Square
Cardiff Bay CF10 5FN

More useful information and publications on land use planning and related issues can be found by contacting the following organisations:

One Voice Wales

Telephone: **01269 595 400**
Website: www.onevoicewales.org.uk
Address: Unit 5, Betws Business Park, Park Street,
Ammanford SA18 2ET

Welsh Assembly Government

Telephone: **02920 825 111**
Website: www.wales.gov.uk/subiplanning
Address: Planning Division, Cathays Park,
Cardiff CF10 3NQ

Welsh Local Government Association

Telephone: **02920 468 600**
Website: www.wlga.gov.uk
Address: Local Government House,
Drake Walk,
Cardiff CF10 4LG

Public Services Ombudsman for Wales

Telephone: **01656 641 150**
Website: www.ombudsman-wales.org.uk
Address: 1 Fford Yr Hen Gae,
Pencoed,
Bridgend CF35 5LJ

Development Trust Association Wales

Telephone: **02920 190 259 (or 609)**
Website: www.dtawales.org.uk
Address: 35b Albert Road,
Penarth,
The Vale of Glamorgan CF64 1BY

**Where to go
for more help**

Citizens Advice Bureau Wales

Telephone: **02920 376 750**
Website: www.adviceguide.org.uk/wales.htm
Address: Quebec House, Sutherland House,
Castlebridge, Cowbridge Road East,
Cardiff CF11 9AB

The Environmental Law Foundation

Telephone: **02074 041 030**
Website: www.elflaw.org
Address: Suite 309, 16 Baldwin's Gardens
Hatton Square,
London EC1N 7RJ

Environment Agency Wales

Telephone: **08708 506 506**
Website: www.environment-agency.gov.uk/regions/wales
Address: Ty Cambria,
20 Newport Road,
Cardiff CF24 OTP

Countryside Council for Wales

Telephone: **01248 385 500**
Website: www.ccw.gov.uk
Address: Maes y Ffynon,
Penrhosgarnedd, Bangor,
Gwynedd LL57 2DN

Campaign for the Protection of Rural Wales

Telephone: **01938 552 512 (or 556 212)**
Website: www.cprw.org.uk
Address: Ty Gwyn, 31 High Street,
Welshpool,
Powys SY21 7DY

Forestry Commission Wales

Telephone: **01970 625 866**
Website: www.forestry.gov.uk/wales
Address: Victoria House, Victoria Terrace,
Aberystwyth,
Ceredigion SY23 2DQ

RSPB Wales

Telephone: **02920 353 000**
Website: www.rspb.org.uk/wales/index.asp
Address: South Wales Offices, Sutherland House,
Castlebridge
Cowbridge Road East, Cardiff CF11 9AB

Royal Institute of Chartered Surveyors Wales

Telephone: **02920 224 414**
Website: www.rics.org/wales
Address: 7 St Andrews Place,
Cardiff CF10 3BE

Institute of Chartered Engineers Wales

Telephone: **02920 630 561**
Website: www.ice-wales.org.uk
Address: Suite 2, Bay Chambers,
West Bute Street,
Cardiff Bay CF105BB

The Royal Society of Architects in Wales

Telephone: **02920 874 753**
Website: www.riba.org
Address: Bute Building, King Edward VII Avenue,
Cathays Park, Cardiff CF10 3NB

**Where to go
for more help**

Design Commission for Wales

Telephone: 02920 451 964

Website: www.dcfw.org

Address: 4th Floor, Building Two, Caspian Point, Caspian Way
Cardiff Bay CF10 4DQ

Cadw (Welsh Historic Monuments)

Telephone: 01443 336 000

Website: www.cadw.wales.gov.uk

Address: Plas Carew, Unit 5/7 Cefn Coed,
Parc Nantgarw, Cardiff CF15 7QQ

Royal Commission on the Ancient and Historical Monuments of Wales

Telephone: 01970 627 701

Website: www.rcahmw.org.uk

Address: Plas Crug, Aberystwyth,
Ceredigion SY23 1NJ

Civic Trust for Wales

Telephone: 02920 484 606

Website: www.civictrustwales.org

Address: 3rd Floor Empire House,
Mount Stuart Square,
Cardiff CF10 5FN

The National Trust Wales

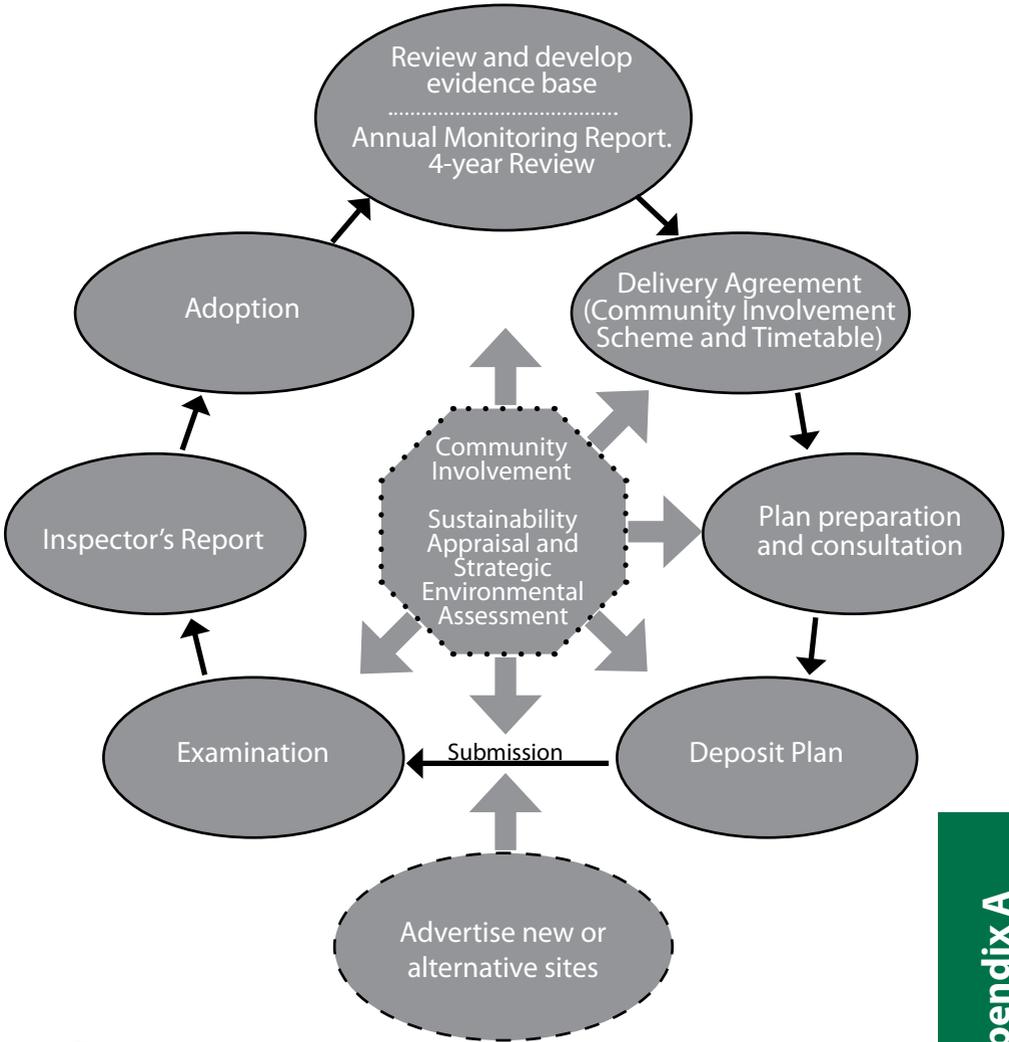
Telephone: **02920 462 281**

Website: www.nationaltrust.org.uk

Address: The Coal Exchange,
Mount Stuart Square,
Cardiff CF10 5EB

Local Development Plan

Preparation process diagram



- Plan stages
- Integral process
- If required

Appendix B

Explanation of words and terms used in this Handbook

This section is designed to help you understand the words and terms used in this Handbook, which is a general guide to the planning system. The Handbook can not cover every aspect of the planning system, or give all the details of any one particular aspect.

This means the information below should not be seen as a source for legal definitions, or as a statement or interpretation of planning law.

Access - How you would get in and out of a site from the highway.

Adopted / Adopted development plan - The development plan is complete, it has been agreed, and has full status. It is the local planning authority's confirmed adopted development plan.

Advocacy - Give support for a cause or an argument. In planning, advocacy is usually provided by a planning barrister or solicitor.

Agenda - A list of items of business to be considered at a meeting. A programme or schedule.

Agent - The person who prepares and submits a planning application. Often a planning consultant or architect.

Agricultural permitted development - Things which can be done on agricultural land without needing formal planning permission.

Agriculture / Agricultural land - Land used for agriculture, and for farming trade or business purposes. It does not include houses or gardens, or land used for fish farming.

Allocated - Land which is identified for a certain use (housing, retail, open space, etc), usually in a development plan.

Amend / amendment - To change or alter a something.
A development plan or planning application can be amended.

Annual Monitoring Report - A report each year to the Welsh Assembly setting out progress against targets for preparing and revising development plans.

Appeal / appellant - An applicant for planning permission can appeal against a decision (usually a refusal of permission). Appeals can also be made if a planning authority does not decide an application in a given time, and for other reasons. The person who makes an appeal is the appellant. Appeals are decided by the Planning Inspectorate.

Appearance - How something looks, or its form. In planning, it is usually the appearance of the outside of buildings which matters.

Applicant - The person who signs and submits the planning application forms. An agent can submit applications for other people.

Area of Outstanding Natural Beauty - An area identified in law as nationally important because of its outstanding landscape value.

Article 4 Direction - An order made by the Secretary of State which means that works not normally needing planning permission now need it in the area of the Direction.

Assembly / Assembly Member - Welsh Assembly Government, made up of elected Members of the Welsh Assembly Government.

Building regulations - Building regulations set standards for the design and construction of buildings. They are designed to keep people in and around buildings safe and healthy. They also deal with energy saving measures and provide disabled access in buildings.

Call in / called in applications - The Welsh Assembly Government has powers to 'call in' planning applications. This means it takes the

decision, not the local planning authority. Call in is not common, happening only a few times each year.

Certificate of Lawfulness of a Proposed Use or Development - People can apply to find out whether a proposed development is lawful in planning terms. If it is, the Certificate is issued by a local planning authority, meaning that the proposed development will not need planning permission.

Change of use - Changing the use of a building, or plot of land, from one use class to another use class is seen as development. It therefore needs planning permission.

Chartered - Qualified in their profession. For instance, chartered planner, engineer or surveyor.

Circulars - Written by Government to explain areas of planning law and practice in more detail. They are like Technical Advice Notes.

Codes of conduct - Rules which make sure that planning and other decisions are made in a fair and open way. Members of planning committees are usually governed by them.

Committee - A group of people who make decisions on planning matters. The committee is part the local planning authority, and made up of elected councillors (or members).

Committee report / report to committee - Before an application goes to planning committee, the officer dealing with the application writes a report to explain the issues. It usually describes any public response to the application, provides an analysis of the issues, and makes a recommendation to approve or refuse. Conditions, or reasons for refusal, are also usually suggested.

Community / communities - A general term used to describe the people who live together in a neighbourhood, village, commune, hamlet or centre of population. Communities can also be based around a religion, a set of interests, a profession, etc.

Community and town councils - The local administrative body in a ward, town or community area. Usually consulted about planning issues. Known as parishes in England.

Community Involvement Scheme - Sets out the local planning authority's approach and a timetable for involving local communities in preparing Local Development Plans. It is part of the Delivery Agreement which is submitted to the Assembly Government at the beginning of plan preparation. Certain bodies and groups must be given a chance to comment on a draft Community Involvement Scheme.

Community Strategy - A high level strategy which the unitary authorities in Wales are responsible for drawing up for their areas. It tries to link together all the different programmes and activities in an area, to improve public services and facilities. In National Parks, the National Park Management Plan does a similar sort of thing.

Conditions - Attached to a planning permission, conditions control how different parts of a development should be carried out. Conditions can be used to control many things - building materials, landscaping and access are just a few examples.

Confidential - Private. Can not be seen by the public, usually because people or business interests might be harmed.

Consent - Permission

Conservation - Protecting something from harm or damage, and improving it if possible. In planning, conservation is usually about a special landscape or environment, or it might be a building or part of town.

Conservation areas - Conservation areas are parts of villages or towns which are special because of their architecture or history. Local planning authorities designate conservation areas to protect or improve their special qualities. A higher standard of design is

expected in the area, and any pulling down of buildings or cutting of mature trees is controlled.

Consultant - A planning consultant is a trained planner who works for people and companies who can afford to pay for expert help and advice. Consultants have experience of the planning system and use it in many ways, for example, to help get a planning permission or to appeal against a refusal.

Consult / consultation - Asking people or organisations what they think about something. Comments are usually asked for on a particular matter (such as a planning application), or a set of issues, or a draft document (such as public participation in preparing a plan). Consultation can be formal or informal. It can involve everybody in an area, or a small selection of people or groups.

Consultation bodies - Organisations or departments which need to be consulted about planning applications or development plan matters.

Contamination / contaminated land - Land that has been polluted or harmed in some way, making it unfit for safe development. Development can only happen after it has been cleaned up, or decontaminated.

Core strategy - Part of a development plan. The core strategy sets out in very general terms how an area will develop in the future. It gives the plan a central framework, which allows more detailed planning policies to be prepared for specific areas and topics.

County councillors - A locally elected politician. Often known as a Member of the authority.

Court of Human Rights - The European Court of Human Rights hears complaints from European countries about possible infringements of human rights.

Cross-examine - The opportunity to question a witness who has already given evidence for the other side of the argument. A planning barrister or solicitor is invited to do this by an Inspector during a public inquiry into a major appeal, for instance.

Curtilage - The area of land attached to a house, and forming one enclosure with it. It usually includes all the land and buildings that make up a property, as outlined by the boundary. The curtilage of a house is usually shown in the title deeds.

Decision letter - The formal letter that gives the decision on a planning application. The letter also contains conditions or reasons for refusal.

Deemed consent - Does not need a formal planning application, and consent is not needed.

Defer - To put off taking a decision or considering an issue until a later date.

Delegated powers - A power given to specific planning officers by locally elected councillors. Delegated powers mean officers can take decisions for the council on some planning matters.

Delivery Agreement - A document which sets out the local planning authority's timetable for preparing its Local Development Plan. It also contains a Community Involvement Scheme, setting out how the authority will involve people, groups and organisations at different stage of plan-making. The Delivery Agreement needs to be agreed with the Assembly Government.

Density - Usually used to describe a housing development, density describes the number of houses in a given area (usually an acre or hectare). The number of habitable rooms is another way of measuring area density.

Departure / departures - A proposed development which is not in line with the policies contained in an adopted development plan.

Deposit - The period of public consultation once a local planning authority has prepared its intended development plan. The Deposit Plan is the document which is looked at by the Inspector at Inquiry, as well as comments on the plan from other people, groups and organisations.

Design - Indicates the look and 'feel' of the building, both inside and outside. It includes the materials used, how energy efficient something is, and landscaping.

Determine - A local planning authority determines a planning application when it reaches a decision on whether to grant planning permission. It also determines whether a proposed development will need planning permission.

Development - Defined as 'the carrying out of building, engineering, mining or other operations, in, on, over or under land, or the making of any material change in the use of any building or other land.'

Development control - The process by which a local planning authority receives, considers the merits of, and determines planning applications. Development control decisions are usually based on the development plan and other material considerations. Often, an authority will have a separate development control section or department.

Development plan - The document which uses words and maps to set out the local planning authority's policies and proposals for future development in its planning area. Usually looking fifteen years forward, it contains policies for specific sites and for different types of development. Development plans include Unitary Development Plans, Structure Plans and Local Plans. All planning authorities in Wales will be moving to the new Local Development Plan system over the next few years.

Development plan policies - Policies are usually contained in the development plan. They set out how different types of development and land uses should be controlled. Policies can be for a small area, for a type of development, or apply over the whole plan area.

Draft - A document which has been started, but is not yet complete. The public can be asked their opinion of a draft plan (known as public consultation). A planning report to committee might be in draft form.

Drainage - The way water (waste and surface) moves around and off a site. Often a separate network of underground pipes carry waste and surface water away from the site. Surface water is usually directed into streams, rivers or lakes. Waste water will usually be treated before being released.

Dwelling house - A self-contained building, or part of a building, which is used for living purposes. A dwelling usually provides a home for a single household. Dwellings can be houses, bungalows, flats, maisonettes or converted farm buildings.

Elected Member - People elected by the public at local authority level who serve on committees.

Enforcement / enforcement notice - A local planning authority uses its enforcement powers to make sure all the terms and conditions of a planning decision are carried out. Enforcement is also used to control development which has not got a planning permission, but which needs it. An enforcement notice sets out what needs to be done to put something right, or to control an activity which has not got planning permission.

Engage / engagement - To take part in an active and involved way, usually in plan-making. Under the new planning system, local planning authorities should engage with their communities from an early stage of preparing Local Development Plans. Engagement means more than consultation - it means people getting involved early in the plan-making process, and not just commenting once a draft plan has been prepared.

Environment Agency - The government body responsible for protecting the environment from pollution. It controls activities that

handle or produce waste, and provides information on waste management issues. It also deals with flood protection.

Environmental Impact Assessment - Some types of development, usually bigger schemes, need an Environmental Impact Assessment. Applicants will need to prepare an Environmental Statement and include it with the planning application. The statement considers the likely impacts of the development on the environment. It also looks at how the impacts can be reduced. It is used to help decide the planning application.

Environmental Statement - Looks at the likely environmental impact of a proposed development. It contains the findings of the Environmental Impact Assessment, and often a lot of supporting background information. The statement should contain a description of the development, measures to be taken to avoid harming the environment, and the main likely effects on the environment. The statement should also describe alternatives looked at, and reasons for choosing the final proposal. A layperson's summary is also provided.

Examine / Examination - A Local Development Plan is examined by an independent Inspector to see if it is 'sound'. The plan Examination includes the Inspector considering written representations on the Deposit plan, as well as sessions where people can speak (give evidence) either for (support) or against (object) proposed policies.

Expedient - Action which should be taken for practical, not moral reasons.

Foul drainage - Foul drainage is sewage, or waste water from toilets and other sources of dirty water. Drains underground carry waste water from buildings for treatment at a sewage plant.

Freedom of Information Act - Gives any person the legal right to ask for, and be given, most of the information which is held by public authorities.

Full application - A planning application with all the details of a development proposal. Sometimes referred to as a detailed application, it can be given a full planning permission. There are no matters which are

reserved for discussion and approval at a later date. (*see 'outline permission'*).

Government agencies - Organisations which can make decisions for the government, and advise government on their area of responsibility.

Hearing - A planning appeal hearing which is carried out in a structured way, but which is not as formal as a local inquiry.

Highway - A publicly maintained road, together with any footways and verges.

Highway authority - The department which is responsible for maintaining public roads and access onto them, pavements and verges.

Human Rights Act - The Human Rights Act is law which protects people's human rights. Human rights are the basic freedoms and values which all people have a right to. It also limits some individual rights, to protect the rights of others and the wider community.

Inspector - An independent, experienced planner who works for the Planning Inspectorate. Looks carefully at detailed planning issues which are debated during examination of a development plan, or at a public inquiry into a specific proposal. Inspectors also decide appeals.

Judicial Review - Where the High Court looks at whether a decision made by a planning authority is reasonable. Some planning decisions are tested by a Judicial Review.

Landscaping / landscaping proposals - Includes plants, trees, paths and structures. A landscaping proposal should be prepared for areas of land which will not be built on. Often forming part of a planning application, it might include garden layouts, walls and fencing, trees and planting areas, and 'hard' road and pavement surfaces.

Late representation - A letter of objection or support which is received after the close of a set legal period for consultation. Can sometimes still be considered.

Legal Aid - Free or affordable legal information and advice from qualified solicitors.

Listed building consent - Needed for the demolition or part-demolition of a listed building. Also needed to alter or extend a listed building, where the work would affect the building's character or special interest. Also needed for any work to other buildings in the grounds of a listed building.

Listed building - A building which is protected from development because of its special historic interest or architecture. Local planning authorities should hold a list of the listed buildings in its area, which the public can see.

Local Development Plan - A new type of plan which is steadily replacing Unitary Development Plans. All planning authorities in Wales either are, or will start preparing one. Often called a 'LDP', it will be the statutory development plan for a local planning authority area. It should include a vision and a broad strategy, as well as policies for different areas and types of development. It will identify land suitable for new development, and set out proposals for key areas of change and protection. Policies and development land will be shown on a map base, called the Proposals Map.

Local planning authority - The local authority or council that is responsible for preparing plans and for making planning decisions. In Wales, there are twenty five planning authorities, including the three National Parks. The planning authorities also deal with waste and minerals matters.

Local Plan - An old-style development plan which sets out detailed policies and proposals for the development and use of land. In some authorities, local plans are still used to guide decisions on planning applications.

Local strategic partnership - Responsible for developing Community Strategies. Usually made up of people from key organisations and areas of interest.

Maladministration - Something which has happened which is not in line with the proper procedures.

Material / material consideration - If something is material, it is relevant and needs to be taken into account before a decision is made. Whether or not something is material often depends on the individual case. In other words, there is no hard or fast rule. Each case has to be considered on its own particular merit.

Mediation - Bring different people together to reach a common agreement which will benefit all.

Members - People elected as local politicians to help councils make decisions. Members attend council meetings, and often 'sit' on committees.

Minerals Planning Policy Wales / Mineral Technical Advice Notes

Set out government policy and advice on minerals planning issues. Minerals issues include quarries, availability of stone and sand, etc. Produced by the Assembly Government.

Minutes - A written note of what was said and agreed in a meeting.

Monitoring officer - The person who deals with complaints against a local authority.

National Parks - National Parks are designated because of their special landscapes and environments. National Park authorities are the planning authority for their areas. They aim to protect natural beauty, wildlife and traditional ways of working and living. They are also responsible for providing opportunities for the public to understand and enjoy the parks.

National Park Management Plans - A broad-brush, high level plan. It sets out a vision for each Park, and contains action plans to guide management activity and spending in future years. Similar to a Community Strategy.

Nature conservation - Protecting wildlife areas and species by careful management. Creating opportunities for nature to thrive, often by including the communities that enjoy natural areas and wildlife.

Notified - Told, or informed about something.

Objection - Words, usually written, which give reasons for objecting to a development proposal or policy. People can make an objection to a planning application, or to something which is contained in a draft development plan or policy, or at appeal.

Outline application - Planning applications can be submitted in outline to find out if the principle of a development on a site is acceptable. If a proposal gets outline planning permission, details of the development will need to be approved at a later date. Usually only used for larger applications.

Participate - To take part in something. In planning, 'public participation' is used to describe the process of asking the public to share in the process of planning. It might be to do with preparing a local development plan, or about thinking how an area should develop in future.

'People, Places, Futures – The Wales Spatial Plan' - A very high level plan, prepared by the Assembly Government and covering the whole of Wales. It sets out a 'broad-brush' framework to guide future development and public spending. It is not just a land use plan - it includes other areas such as transport, education and welfare. Local planning authorities need to take account of the Spatial Plan when preparing their Local Development Plans.

Permitted development / permitted development rights - There are certain types of development which do not need planning permission. These include small works, and things which will not have much of an effect on other people. The General Permitted Development Order sets out those things which can be done without needing to apply for planning permission.

Planning committee - The committee of the local planning authority which makes decisions on planning applications and development plan policies.

Planning Aid Wales - Planning Aid Wales is a charity which provides free, independent advice and support to people and groups who can not afford to pay a planning consultant. It encourages people to get involved in the planning system to improve their local environment.

Planning Inspector - An experienced planner appointed by the Planning Inspectorate. The Inspector makes independent planning decisions on behalf of the Assembly Government. Inspectors consider appeal cases, and test the 'soundness' of development plans at examination. They also make decisions at public inquiries into larger proposals. Inspectors write reports considering all the planning evidence, and decide cases.

Planning Inspectorate - An independent agency which acts for the Assembly Government. It is responsible for processing planning and enforcement appeals, and holds inquiries into local development plans. It also deals with listed building and advertisement appeals, as well as reporting on applications which are 'called in' by the Assembly.

Planning permission - Formal approval from a local planning authority that a proposed development can go ahead. It is often granted with conditions. Usually, the development needs to be started within a given time of permission being granted. Planning Permission can be full, or outline.

'Planning Policy Wales' - Sets out the national policy framework for land use planning in Wales, and includes many different areas of planning. Prepared by the Assembly Government to give local planning authorities and others a clear understanding of how the system should work.

Policy / policies - Planning policies are usually contained in development plans. They are a set of words which describe what is acceptable in planning terms, and what is not. There can be policies for different types of development, and also policies which apply

only in certain places. Planning applications can be decided after taking account of several different policies.

Pre-application discussions - Discussions which happen before a planning application is submitted. Usually between local authority planning officers and the person thinking of developing a proposal. They can improve the quality of an application and are usually seen as good practice. The planning officer might advise on something that the applicant does not know about, or make suggestions to help improve the proposal.

Precedent - Something which sets a pattern, and can start a run of similar things. For instance, planning permission is given in a conservation area to replace traditional wood windows with plastic, double glazed frames. The decision would set a bad precedent, and make it difficult to refuse similar applications.

Prior approval - An application submitted to the local planning authority to find out if planning permission is needed, usually for a minor form of development.

Proposal / proposed development - A development or an activity which somebody intends to happen in the future. Development proposals can come from a private developer, a local authority, other types of agencies, or a private individual.

Public consultation - Informing members of the public about a planning application, or about future plans for an area. Usually involves asking people to make comments within a set time. Comments received are taken into account before a decision is made.

Public Inquiry - A formal hearing held by a planning inspector into a planning matter. It might be into a local development plan, or an appeal. Members of the public can attend public inquiries as observers, and can also be invited to comment on an issue.

Recommendation - A planning officer makes a recommendation to the planning committee. It is usually set out towards the end of the committee

report on the planning application. The recommendation is the professional opinion of the planning officer, but the committee do not have to take the recommended decision. Recommendations are usually to refuse, to approve, or to defer.

Registered - Once a planning application is received by a local planning authority, it is checked to make sure it includes all the information needed. It is then registered.

Representation - Comments which are submitted to a local planning authority. They can either be in support of something, or they can object to something. Representations are usually made in connection with a planning application, or a proposed policy in a development plan for the area.

Representative - Somebody who can speak for an organisation, a group, or an individual.

Reserved matters - Things to do with a proposed development which will need to be decided at a later date. For instance, an outline application for housing on a site is approved - however, more detail is needed on the design of each house, the materials to be used, and landscaping. These are reserved matters, because they still need to be approved.

Revoked - Cancelled. Withdrawn.

Schedule of reports - Often called the planning committee agenda. All the officers' case reports to be considered at a planning committee meeting are collected together into one document. Most planning authorities make the agenda available for the public to look at a few days before the meeting.

Sewer / sewage - Waste water which is carried by sewer pipes to a sewage treatment plant.

Sound - Local Development Plans are tested by an Inspector at the Examination to see if they are sound. More information about what

it means for a plan to be sound can be found on the websites of the Planning Inspectorate and the Planning Portal (*see section 10.1*).

Stop Notice - A legal notice served by the local planning authority which aims to make somebody stop a development or an activity. Used as part of enforcement powers.

Strategic Environmental Assessment - Development plans and certain other types of plan need to be assessed to see how they will affect the environment. The assessment is a process which happens as part of plan-making. It has a number of key stages - preparing an environmental report, looking at alternatives, carrying out consultations, and showing that the assessment has had an effect on the final plan. It is usually combined with **Sustainability Appraisal**, which considers social and economic effects, as well as environmental effects.

Structure Plans - An old-style development plan. Sets out strategic planning policies for county areas. The basis for more detailed policies in old-style district and local plans. Structure plans still continue to operate in some areas, but will be replaced by a Unitary Development Plan or a new-style Local development Plan.

Submit / submission - To present something in a formal way. Planning applications are submitted to a local planning authority, and so are representations on a development plan.

Sui generis - A latin word which describes a land use, or building which is not in a Use Class. Examples of land uses which are *sui generis* include theatres, launderettes, car showrooms and petrol filling stations.

Supplementary planning guidance - Detailed guidance prepared by the local planning authority. Usually to do with a particular set of planning issues. It might cover a theme such as design and landscaping, or be to do with a particular area. Often gives further detail of policies and proposals in a development plan. Does not need to be examined like a development plan, but must be in line with development plan and national policies.

Sustainability Appraisal - A process which checks to see if policies in a development plan are sustainable. This means thinking about the effects of the plan on the environment, on society and on the economy. Often carried out as a joint process with **Strategic Environmental Assessment**. The public can comment on the Sustainability Appraisal process, which happens as a part of preparing the development plan.

Sustainable development - Looking after the world by using its resources in a sensible way. Or, 'Development that meets the needs of the present without compromising the ability of future generations to meet their own needs'. The planning system is important for sustainable development - it can bring about more sustainable ways of living and working. It can also encourage new types of development which use less energy.

Technical Advice Notes - Technical Advice Notes are prepared by the Assembly Government, and give more detail about national planning policies. They deal with a specific area of planning, such as housing, flood risk, or protecting wildlife. The information in the Notes is used by the public, by planners and by developers to get a better understanding of one particular area of planning.

Third party - A party with an interest in the application but not the applicant. Usually somebody supporting or objecting to a planning application.

Unitary Development Plan - Often called a 'UDP', a plan covering the whole local planning authority area. It replaces old-style structure and local plans. Contains policies for the whole plan area, and identifies land for different kinds of development. Around half of the planning authorities in Wales have prepared one. Once formally adopted, it becomes the development plan for their areas. New-style Local Development Plans will slowly replace Unitary Development Plans over the next few years.

Use Class - Planning law puts the different ways of using land and buildings into different Use Classes. To change the use of a piece of land, or a building from one use to another use within the same Use Class does not need planning permission. However, a change of use from one Use Class to another will usually need planning permission.

Utility company - A company which provides a product or a service which is used by the public. Examples include water, electricity, gas and telephone utility companies.

Visual amenity - The contribution made by the look of a place to how the public enjoy it. An area with high visual amenity is pleasing and attractive to the eye.

Welsh Assembly Government - The Welsh Assembly Government is the national government in Wales. It is responsible for the planning system in Wales, and prepares national planning policy.

Written representations - A written statement setting out comments, or an argument for or against something. The most simple way of submitting an appeal to the Planning Inspectorate.