



---

# A COMMUNITY AND TOWN COUNCILLORS HANDBOOK: THE LAND USE PLANNING SYSTEM IN WALES

---



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

Un Lliais Cymru  
Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

One Voice Wales  
Unigwâd Cymru

# **FOREWORD BY ONE VOICE WALES**

Planning is an area that invokes a strong desire by community and town councils to be more closely involved in decisions taken for the benefit of their communities. This handbook has been written to provide such councils with the information to enable them to make reasoned decisions and comments.

It is a tangible result of the co-operation between Planning Aid Wales (PAW) and One Voice Wales (OVW) and provides the basics for each Councillor and Council to understand some of the complexities of the planning process.



Photograph: Dave Street

As the only national body representing community and town councils in Wales OVV is proud to have been involved in this publication, which can only be beneficial in helping to raise the profile of our first tier councils.

It is important that all such councils are able to put forward consistent and coherent arguments to the planning authorities and so this booklet will be made available to all councils in Wales.

The assistance of the Welsh Assembly Government in publishing this handbook is freely and gratefully acknowledged.

Dave Street  
Chairman  
One Voice Wales (October 2005)

# PREFACE

Land use planning has an important role to play in shaping the life of communities, and town and community councils should contribute by

## **Helping to manage change.**

Community and town councils have local knowledge, which should be used to help shape policies and influence proposals for the benefit of the community. You can lead by example as a community or town council. Your local planning authority may already be starting to prepare the new local development plan, and must ensure that communities have ownership of, and commitment to, policies that affect them. Your council should help the local planning authority engage everyone in the community from the outset of plan preparation.

## **Providing attractive, sustainable places to live and work.**

Community and town councils, working with the local community, can help to inform and manage sustainable change in their area. A local community appraisal, community or town action plan, community design or vision statement can contribute to the local authority's Community Strategy and local development plan. Councils who have prepared plans or statements involving the local community will be best placed to make constructive, consistent, reasoned comments and contributions which will be respected by the community, the local planning authority and others involved in the planning process.

## **Raising and discussing issues to achieve practicable outcomes.**

Community and town councils are an essential communication channel between members of the community and the local planning authority. Councils should contribute to consultation, by ensuring that the public knows what is going on. Their strength lies in their extensive, detailed knowledge of the local environment, local needs and views, and the feelings and aspirations of people living in the community. Community and town council involvement works best when based on their full understanding of local issues.

*Planning Aid Wales, through its network of volunteers, can provide support, direction, knowledge and advice for people who wish to organise themselves and discuss these matters.*

## SOME DO'S AND DON'TS

- Do:** Gain an understanding of how the planning system works; this handbook should help to gain an understanding of land use planning, the impact of development, how the environment should be protected and the principles of sustainable development.



- Do:** Think about the effects of the local development plan on all aspects of your local community – e.g. housing young households, retailing, leisure and play, getting around, community safety, health and social care services, and employment – all are needed for a vibrant community.

- Do:** Encourage your community to organise themselves and get involved in suggesting wording and policies for the forthcoming local development plan for your area. Lead by example in shaping your environment.
- Do:** Consider what you want to happen in your local community – the clearer your vision, the more easily and consistently your comments on plans and proposals will be.
- Do:** Prepare a town / community action plan or community design statement and get it accepted by the local planning authority as a supplementary planning document.
- Do:** Gain a full understanding of the local development plan – follow up opportunities to learn about what is being proposed and to comment.
- Do:** Comment consistently on planning applications that affect you in a clear and consistent way.
- Do:** Ensure that you know what your community wants and needs – and reflect their views objectively and accurately in responding to local plans and proposals.
- Don't:** Forget the strict timetable the local planning authority is under when asking for comments – if you miss the deadline, your views may not be considered.
- Don't:** Be afraid to negotiate or for your clerk to negotiate for benefits from the planning system.
- Don't:** Ignore the rules of 'sustainable development' and the need to protect the environment, support the welfare of the community and generate a vibrant economy.

# CONTENTS

<b>1. INTRODUCTION</b>	<b>04</b>
1.1 This handbook	
1.2 The scope of the planning system	
1.3 The importance of town and country planning	
1.4 Who operates the planning system?	
1.5 Development Control and Development Plans	
1.6 Pecuniary, other interests and the Code of Conduct for Community and Town Councillors	
<b>2. PLANNING POLICY GUIDANCE</b>	<b>07</b>
2.1 Wales Spatial Plan	
2.2 Planning Policy Wales	
2.3 Technical Advice Notes	
2.4 Planning; delivering for Wales	
<b>3. DEVELOPMENT PLANS</b>	<b>09</b>
3.1 The decision making process	
3.2 Types of development plans	
3.3 National Parks	
3.4 Local Development Plans (LDPs)	
3.5 Plan preparation requirements	
3.5.1 A link to your local authority's community strategy	
3.6 Community involvement in the Local Development Plan process	
3.7 LDP representations	
3.7.1 Increasing the quality of representations	
3.8 The principle of development	
3.9 Welsh Language	
3.10 Settlement boundaries	
3.11 Affordable housing	
<b>4. ASPECTS OF DEVELOPMENT</b>	<b>14</b>
4.1 What is development?	
4.2 Permitted development	
4.3 Change of use	
4.4 Advertisements and signs	
4.5 Full or outline?	
4.6 Listed building consent	
4.7 Conservation Areas	
4.8 Historic parks and gardens	

- 4.9** Application to fell, lop or top a tree covered by a Tree Preservation Order (TPO)
- 4.10** Certificate of Lawfulness of a Proposed Use or Development (CLOPUD)

**18**

## **5. THE PLANNING APPLICATION PROCESS**

- 5.1** Before the application is submitted
- 5.2** The submission of planning applications
- 5.3** Environmental Impact Assessment (EIA)
- 5.4** Design Statements
- 5.5** Access to plans and other information
- 5.6** From submission to decision
- 5.7** Public notification
- 5.8** Material considerations
- 5.9** Tips for commenting on planning applications

**24**

## **6. PLANNING APPLICATION DECISIONS**

- 6.1** Time taken to make a decision
- 6.2** “Calling in” an application
- 6.3** Planning committee meetings
- 6.4** Possible decisions
- 6.5** Conditions of planning permission

**26**

## **7. APPEALS**

- 7.1** What is an appeal?
- 7.2** Who can appeal?
- 7.3** How are appeals conducted?
- 7.3.1** Public Inquiries
- 7.3.2** Hearings
- 7.3.3** Written Representations
- 7.4** Making your views known at an appeal
- 7.5** What happens after the appeal?
- 7.6** What to do if you can not appeal
- 7.6.1** The Public Services Ombudsman
- 7.6.2** Judicial Review
- 7.6.3** Human Rights and Freedom of Information Acts

<b>8. ENFORCEMENT</b>	<b>30</b>
8.1 Principles	
8.2 Enforcement notices and Stop notices	
8.3 Certificate of Lawfulness of an Existing Use Development (CLEUD)	
8.4 How can community and town councils help to secure enforcement action?	
8.4.1 Information	
8.4.2 Support	
8.4.3 Pressure	
<b>9. TOPICAL ISSUES</b>	<b>32</b>
9.1 Sustainable development	
9.2 Minerals	
9.2.1 Why we need mineral workings	
9.2.2 The impact of mineral workings and how to lessen it	
9.2.3 Planning and minerals	
9.2.4 Regional planning for aggregates	
9.3 Landscape and nature conservation	
9.4 Telecommunication equipment, including masts	
9.5 Agriculture	
9.6 Renewable energy	
<b>10. RELATED ISSUES</b>	<b>37</b>
10.1 Highways	
10.2 Building Regulations	
10.3 Flood risk	
10.4 Surface water drainage	
10.5 Foul drainage	
10.6 Waste	
10.7 Land contamination	
10.8 Pollution prevention	
<b>11. WHERE TO GO FOR HELP</b>	<b>40</b>
11.1 On land use planning matters	
11.2 On topical and related issues	
<b>12. APPENDICES</b>	<b>46</b>
The new planning system in Wales, 2005	
Index and Abbreviations	
Page for notes and up-dates	

# 1 INTRODUCTION

## 1.1 This Handbook

This handbook provides an introduction to the town and country planning system in Wales for **community and town councillors**. It can also be used as a reference source, but it is not a complete statement of the law. The handbook is specific to Wales, whose planning system may become increasingly different from that in England. It is correct at the time of publication, but as planning law and practice is continually evolving, it is recommended that **community and town councils (CTCs)** obtain up to date **advice** when considering specific issues (refer to Chapter 11).

The handbook has been produced by **Planning Aid Wales (PAW)** with the assistance of **One Voice Wales (OVW)** and the **Welsh Government**.



## 1.2 The scope of the planning system

The planning system is concerned with the development and use of land. It deals with the physical environment, such as buildings, roads and the use of natural resources. The system is more limited in its ability to address issues not related to development and land use. For example, in considering a **proposal** to build a new house, the system considers whether a house should be constructed at the particular location and its **design**, but not the reputation of the applicant or builder. However, very exceptionally, personal circumstances can be a **material consideration** in planning decisions (see paragraph 5.8).

## The importance of town and country planning

The planning system is the means by which the future shape of our towns, villages and countryside is determined. It provides individuals, **communities** and their elected representatives with the opportunity to have a voice in decisions on the future of their surroundings. It is therefore important that all those wishing to become **involved** with the planning system know how it operates, as this will increase the effectiveness of their voice. This handbook aims to provide **community and town councillors** with that knowledge.

## Who operates the planning system?

In Wales, the planning system is operated by the **Welsh Government** and the **local planning authorities (LPAs)**. There are 25 LPAs in Wales: 22 County / County Borough/ City Councils and 3 **National Parks** (Brecon Beacons, Pembrokeshire Coast and Snowdonia). The **National Park Authorities (NPAs)** operate all aspects of the planning system in their areas whilst other local government services are provided by the relevant local councils (refer to section 3.3 and 9.3).

## Development Control and Development Plans

**Development control**, the processing and “**determination**” of (making a decision on) applications to develop or change the use of land and property, is the part of the planning system best known to the public and probably to **community and town councillors**. This is because it is the **determination** of a planning application that provides the landowner or builder with a definite decision on whether a project can proceed. (**Development control** is explained in more detail in Chapters 4 – 8).

However, the basis of all decisions on planning applications relate to the land uses prescribed in the area’s current and **adopted development plan**. It often takes the submission of a planning application to make people realise the implications of a policy in a **development plan** (refer to section 3.1 – 3.4).

LPAs are required to prepare **development plans**, which set out their policies for land use planning within their area. **Development plans** must, from the outset, go through a **consultation** process and be scrutinised by a **Planning Inspector** prior to **adoption**. They provide guidance which form the basis for **development control** decisions. They are prepared by LPAs. Since autumn 2005 each LPA has been required to prepare a **Local Development Plan (LDP)** for its area. Once **adopted**, these plans will replace the **structure plans, local plans, and unitary development plans (UDPs)** which currently provide guidance. Planning policy guidance

produced by the **Welsh Government** should be taken into account by LPAs preparing **development plans** and may be material to decisions on planning matters. (This is discussed later in more detail in Chapters 2 and 3).

## 1.6

### Pecuniary, other interests and the Code of Conduct for Community and Town Councillors

**Community and town councillors** have a duty to act in the public, and wider community interest, and to be seen to do so. They should not take decisions which favour an individual interest or locality, nor put themselves in the position where they appear to have done so. In planning, it is essential, if they are to vote on a matter, that they approach decisions with open minds and do not express opinions which indicate they have already decided how they are likely to vote before all the information and arguments have been fully considered. This is particularly important when considering planning matters as both a **community and town councillor** and as a county councillor.

The Statutory Code of Conduct requires **community and town councillors** to consider whether they have a personal interest in a matter, and whether the code requires them to disclose it. **Community and town councillors** themselves are responsible for ensuring that declared interests are disclosed.

Personal interests can relate to members' family, friends or personal acquaintances. They may also, for example, relate to their employment, business or property interests, or to membership of clubs and societies. **Community and town councillors** who attend a meeting to consider a matter in which they have an interest must disclose it at the start of the discussion, or when the interest becomes apparent. Depending on the nature of the interest, a member may be able to speak but not vote on a matter, or may be required to withdraw from consideration of a matter altogether.

The Code does not preclude **community or town councillors** from considering the views of their constituents, and subsequently bringing these to the attention of the **LPA** when considering the application. What is necessary is to avoid prejudging the planning matter, or making a statement that could be seen to prejudge the matter, prior to full consideration of the issues.

# PLANNING POLICY GUIDANCE

## Wales Spatial Plan

The **Planning and Compulsory Purchase Act 2004** places a requirement on the **Welsh Government** to prepare a spatial plan for Wales, which sets out policies for promoting **sustainable development** that is, “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” [as defined in the Brundtland Report to the World Commission on Environment and Development held in 1987] and that which promotes inter-regional approaches to social, economic and environmental **objectives** (see also section 9.1).

The “Wales Spatial Plan” (WSP), published in November 2004 and updated in 2008, gives spatial expression to the **Welsh Government’s** policies. It is a cross-issues document, and provides scope and direction for **LAs** to develop services, business and land in a collaborative way with neighbouring authorities, within their areas. The **WSP** raises issues which are significant for the preparation of **development plans**, and **LAs** must have regard for the **WSP** when preparing their plans.

## Planning Policy Wales

National planning policy must be taken into account in both the preparation of **development plans** and the determination of planning applications. This is set out in the **Welsh Government** document **Planning Policy Wales**, published in March 2002 and updated in 2012, following public consultation.

It aims to pursue the principles of **sustainable development** in line with the **Welsh Government’s Sustainable Development Scheme**, “Learning to Live Differently” published in 2000, by:

- striving for more **sustainable development**;
- building a dynamic and advanced economy;
- tackling social disadvantage and
- promoting equal opportunities.

**Planning Policy Wales (PPW)** provides a general framework to help **LAs** to prepare their **development plans** and make planning decisions. It will be used by the **Welsh Government** and the **Planning Inspectorate** when making decisions on “called in” applications, planning **appeals** and **development plans** (see sections 3.1, 6.2 and Chapter 7).

## 2.3 Technical Advice Notes (TANs)

Planning Policy Wales is supported by 21 **Technical Advice Notes (TANs)**, which contain information and provide technical and procedural advice on specific planning issues, for the public and practitioners, within the planning system on technical aspects of development.

TANs are produced by the **Welsh Government**, the drafts being prepared by Technical Advice Groups, who come from a broad variety of backgrounds. They are adopted following consultation with the public and are taken into account by the **Welsh Government** and the **Planning Inspectorate** in their decision making processes, regarding all planning matters. A full list of TANs can be found at [http://www.wales.gov.uk/subiplanning/content/tans/tans\\_e.htm](http://www.wales.gov.uk/subiplanning/content/tans/tans_e.htm)

## 2.4 Planning; delivering for Wales

In 2002, the **Welsh Government** produced a **consultation** document outlining its vision for improvements to the Welsh planning system, called **Planning; delivering for Wales (PdW)**. Following **consultation**, the **Welsh Government** embarked on a programme of change in November 2002, with the aim that the planning system should:



- be open, fair and transparent;
- inspire public and business confidence;
- deliver improved quality and speed;
- integrate with other plans, processes and actions and
- meet the **Welsh Government's** objectives.

A high level stakeholder group, the **Wales Planning Forum**, was also set up to oversee the implementation of the programme. The Forum has representatives of local government, the business and voluntary sectors, public bodies and the academic field.

The **Welsh Government** provides funds to **LPA**s in order to carry out the programme, and to support **PdW** principles and objectives. Some funding is also used for developing best practice which can be rolled out elsewhere and used to improve the working of the Welsh planning system as a whole.

# DEVELOPMENT PLANS

## The decision making process

Development plans are the most important consideration in deciding planning applications as they include policies that provide the basis for determining planning decisions or **conditions** to be attached to planning permissions. Section 54a of the **Town and County Planning Act 1990** states:

*"Where in making any **determination** under the Planning Acts regard is to be had to the **development plan**, the **determination** shall be made in accordance with the plan unless **material planning considerations** indicate otherwise."*

Therefore, it is suggested that **community and town councillors** should first and foremost make reference to the planning policies contained in the **development plan** or plans covering their area when considering any planning applications in that area.



## Types of Development Plans

Since 1996 each LPA in Wales has been required to produce a **Unitary Development Plan (UDP)**. UDPs comprise two parts. Part I contains broad strategic guidance and part II contains more detailed guidance, which prior to 1996 were contained in **Structure Plans** and **Local Plans**, respectively. Some LPAs in Wales will continue to work from locally adopted **Structure and Local Plans** until such a time that they are replaced by a **UDP** or **Local Development Plan (LDP)** (see 3.4).

### 3.3 National Parks

The **NPAs** in Wales have also been required to produce their own **LDPs** since 2005. In addition, they produce **National Park Management Plans** which comprise broad brush non specific policies and visions for how they want the **National Park** to be managed over the term of the Plan. The Management Plan is an important document for the **National Park** which is taken into account when determining planning applications within the **National Park** area, alongside the more specific land use policies found in the **adopted development plan** for the area.

Pembrokeshire Coast **National Park** and Snowdonia **National Park** have adopted their **LDP**. Brecon Beacons National Park is in the process of producing a **LDP**, which is currently at the **Examination** stage. (see section 3.4).

### 3.4 Local Development Plans (LDPs)

**Local Plans, Structure Plans** and **UDPs** are being replaced by **LDPs**. The **LPAs** have to set out their **objectives** in relation to development and use of land in their area and set out the general polices for the implementation of those **objectives** within their **LDPs**. As well as having regard to national planning policy (see Chapter 2), the **LPA** must also take into account the authority's **community strategy** and the social economic and environmental factors relating to the local area and global environment, by undertaking a **sustainability appraisal** of the LDP.

### 3.5 Plan preparation requirements

The **LPA** is required to agree a **Delivery Agreement (DA)** with the prior to commencement of the **LDP**. This comprises a timetable for the preparation of the plan and a **Community Involvement Scheme (CIS)**. This is a statement of how the **LPA** intends to **involve the community** in its plan making process, including its intentions for **consultation** and engagement with members of the **community** who are most likely to be affected by the polices within the plan, and should include:

- A list of all those **consultation** bodies to be involved in the **LDP** procedure;
- The principles of the **LDP** preparation strategy to be adopted by the **LPA**;
- The timing of and the method by which:
  - (i) participation will occur at each stage of the **LDP** procedure
  - (ii) the **LPA** will respond to this participation process and
- Details of how the **LPA** will use those responses at each stage in developing the content of its **LDP**.

## A link to your local authority's community strategy

3.5.1

Local Councils have a duty to produce **community strategies** under the Local Government Act 2000. These are prepared by a local strategic partnership (LSP) including the local authority and other partners and comprise a long term framework for prioritising service delivery within the authority area. Wherever possible, the **LDP** should be prepared in conjunction with the local **community strategy** objectives. Bearing this in mind **community and town councillors** should familiarise themselves with the **Community Strategy** for their area.

## Community Involvement in the Local Development Plan process

3.6

Many **LPAs** already have well-developed mechanisms for engaging the **communities** in their area. The **Welsh Government** is however, urging **LPAs** to examine rigorously their existing procedures for engaging the **community** when preparing their **LDPs** so that the **LDP** reflects local circumstances and concerns. **CTCs** can play an important role in this process by speaking to their **LPA** on this subject, as early as possible. For example, if you are aware of a **community**, residents or other local group that is representative of a particular interest in your **community** you could make both your **LPA** and that group aware that they may wish to be invited to comment on a draft **CIS**.

You will be able to view your **LPAs** draft **CIS** on their website or at the Planning reception at your council offices. This will provide you with the earliest opportunity to comment. If a councillor or other member of your community wish to make comments on the way your **LPA** intend to engage with the **community** on proposed policies this is your opportunity to do so.

## LDP representations

3.7

Since **community and town councillors** are well placed to provide the **LPA** with information about their area on a wide variety of subjects, when drafting polices the **LPA** may seek input from **CTCs** to help provide a vision for their area and ask them to suggest various ways they could use to achieve their objectives. **CTCs** should be prepared for this, for example, if you are concerned about a form of development in your area that you would like to see controlled more rigidly the **LPA** may benefit from knowing about your concerns and they may be able to draft wording for relevant polices accordingly.

The **delivery agreement** will provide you with a timescale of when you can be involved in the rest of the plan making process. However, when the **LPA** issues its Pre **Deposit Documents** in the form of a preferred

strategy and a **sustainability appraisal** you will be consulted on these documents. If you support or object to any of the policies or land allocations in the plan you can make comments but this must be done in writing and within the timescale specified by the **LPA**. If the **LPA** cannot overcome your concerns, your comments or **representations** will be considered by an **Inspector** from the **Planning Inspectorate**. You may ask to appear in person at the **Examination** by the **Inspector**. Although the **LPA** have a statutory duty to inform people in their area about the forthcoming plan you should also make people aware and encourage people in your **community** of their opportunity to participate.

### 3.7.1

#### Increasing the quality of representations

One of the hardest tasks for a **LPA** to carry out in drafting its plan will be to draw together all representations received and to take these concerns on board through the **LDP** process. **PAW** will be working with **community** groups including **CTCs** and individuals in the future to help them to organise themselves and to make streamlined comments. Although it will be important for **LPAs** to consult and engage with communities as effectively as possible the key output to improving this process will be to have an increase in the quality of **representations** submitted not necessarily an increase in the quantity of **representations**.

The key message is that central and local government want people to make comments on the land use matters that they are really concerned about in terms of the effect it will have on their quality of life and enjoyment of their environment. The aim is to reconcile and amalgamate those concerns. Different people are bound to have slightly different worries but a general consensus of the local **community** can be drawn together into one statement and submitted to the **LPA**. This will be much more helpful than hundreds of pro forma type **representations** with no identification of the author and more crucially no identification of who coordinated the comments.

### 3.8

#### The principle of development

The importance of commenting on **LDPs** must be stressed as their policies are of prime consideration in the **determination** of planning applications. For example, if a site is allocated for **housing** in the **LDP** the principle of a residential development on this land will have already been accepted even before a planning application is submitted on the site. The same applies for sites allocated for retail and employment uses. Therefore, if a **community** does not want to see a site developed for a particular purpose for valid planning reasons, the time to object would be at the early stages of the **LDP** process. Once a planning application is submitted it would be too late to object to the principle of that form of

development on that site. Also if a **CTC** wishes to safeguard the future of a **community** facility, such as, a **community** hall, church, playing field, or even football ground it can be suggested to the **LPA** to retain that site for that use in the **LDP**. If successful, this would mean that any other form of development on the site would be unacceptable in principle; the future of that facility would be safeguarded for the term of the plan.

## Welsh Language

3.9

**Development plans** may include policies relating to the scale, location and phasing of new **housing** and economic development in predominantly Welsh-speaking **communities** in order to promote the sustained use of the **Welsh language**. **LPAs** can encourage the use of bilingual **signs** and **advertisements**, where appropriate.

## Settlement boundaries

3.10

In order to control urban sprawl and to protect the countryside the **development plan** may identify **settlement boundaries** or envelopes to the larger towns and villages. The purpose of defined **settlement boundaries** is to ensure that each settlement maintains its own identity and does not merge with adjoining settlements. Inside the boundary residential development will often be permitted.

In drawing up **settlement boundaries** the **LPA** will take account of existing planning permissions, specific new **housing** allocations to meet the needs of the locality, sites which would constitute appropriate rounding off, and distinct physical features such as major roads.

## Affordable housing

3.11

**LPAs** working with **housing** interests must provide a 5 year supply of land to meet local **housing** needs. In addition, within the framework of **Planning Policy Wales**, **LPAs** must also try to ensure that people have the opportunity to live in good quality, **affordable housing** (low cost or subsidised housing across tenures) in the location they want to live. A community's need for **affordable housing** is a **material planning consideration** (see section 5.8) that must be taken into account in formulating development plan policies.

[For more detailed information please refer to: **TAN 1**: Joint Housing Land and Availability studies – 1996 and **TAN 2**: Planning and Affordable Housing, 1996 and Planning Policy Wales, 2002.]

## 4 ASPECTS OF DEVELOPMENT

### 4.1 What is development?

Planning permission is required to carry out 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.”*

Certain works and uses are excluded from the definition of development and therefore outside planning control. These include:

- works of maintenance, improvement or other alteration of 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 incidental to the enjoyment of the **dwelling house**; and
- use of land for **agriculture** or forestry.

In this context, “**Dwelling house**” means houses and does not include flats or other types of accommodation. Its “**curtilage**” means the land which is attached to it and belongs with it but is not necessarily the whole garden area.

### 4.2 Permitted development

For some small developments, where planning permission is not needed, this is known as **permitted development**. The most common type of **permitted development** includes extensions and alterations to **dwelling houses** subject to various limitations and restrictions such as the size and location of the extension.

Some **permitted development rights (pdrs)** can only be exercised after the LPA has given their ‘**prior approval**’, for example in the case of **agricultural permitted development** or for some **telecommunications** equipment, **prior approval** is required (see 9.3).

**Permitted development rights (pdrs)** may not apply within the curtilage of listed buildings, in **conservation areas** and in certain other areas, including **Areas of Outstanding Natural Beauty (AONB)** and **National Parks**. LPAs have the power to remove **permitted development rights** by means of an **Article 4 Direction**, under Article 4 of the **Town and Country Planning (General Permitted Development) Order 1995**.

## Change of use

Most uses of property are divided by law into different “**use classes**”. To change from one use within a **use class** to another within the same use class does not amount to development, and would therefore not require planning permission. The different **use classes** are set out below. Certain uses do not fall within a use class and are termed “*sui generis*”: this means that any change to or from such uses would be classed as development and require planning permission.

### Use Classes:

Part A	A1	Shops
	A2	Financial & Professional Services
	A3	Food and Drink
Part B	B1	Business
	B2	General Industrial
	B8	Storage & Distribution
Part C	C1	Hotels (excluding hostels)
	C2	Residential Institutions
	C3	<b>Dwelling houses</b>
Part D	D1	Non-residential Institutions
	D2	Assembly & Leisure

For example, planning permission is required to change the use of a shop ('A1' use) to an estate **agent** ('A2' use). A hotel ('C1' use) would need permission to change to a restaurant ('A3' use). A restaurant would not need permission to become a hot food take away, because both uses are classed as 'A3' uses. The **use classes** are different in England and may change in Wales in the next two years.

[Use Classes Order 1987 (as amended)]



#### 4.4

### Advertisements and signs

Regulations define different types of **advertisement**. These include types that are exempt (e.g. on a moving vehicle) or have “**deemed consent**” (the **advertisement**/sign equivalent of “**permitted development**” e.g. estate **agents**’ boards). By default, all **advertisements** which do not fall within these categories require express consent from the **LPA** and therefore an **advertisement** application. These include most poster hoardings and virtually all illuminated **signs**. In determining these applications, **LPAs** can only consider their impact on the **visual amenity (appearance)** of an area and public safety (i.e. whether any **advertisement** will cause danger to road users).

#### 4.5

### Full or outline?

Most applications are ‘full’ **applications** and include all details of the **proposal**. Where the application relates to the erection of a building, the applicant may apply for permission in two stages. Firstly, an ‘outline’ application is submitted for the **LPA** to decide if the principle of development is acceptable. This need only include a location plan showing the site, unless the **LPA** requests further information. Matters of siting and / or means of **access** can be dealt with at this stage or left for a second application for approval of ‘**reserved matters**’, which can include **design**, external **appearance** and **landscaping**, but not any changes to the site boundary or class of development.

#### 4.6

### Listed building consent

A **listed building** is one which is considered to be “of special architectural or historic interest” and has been placed on a list drawn up by **Cadw (Welsh Historic Monuments)** and held by the **LPA**. The definition of a **listed building** includes the building itself, objects or structures fixed to (or within) it and any objects or structures within the **curtilage** which have been there since before 1 July 1948. Alterations to a **listed building** require **listed building consent** where this would “affect its character as a building of architectural or special interest”.

**Permitted development rights** (see section 4.2) may not apply within the **curtilage** of **listed buildings** and so planning permission may also be required even for minor works, resulting in two applications. **Cadw** has to approve most **Listed Building Consent** applications. **Listed Building** applications for **listed buildings** owned by the local authority have to be determined directly by **Cadw**.

## Conservation Area Consent

**Conservation areas** are areas identified by the **LPA**s and new ones confirmed by The **Welsh Government** as being of special historic or architectural interest. There are special controls on development within and affecting **conservation areas**. For example, **conservation area consent** is required for most demolition works proposed in a **conservation area**. Once an area is designated, most **trees** cannot be cut down, lopped, damaged or destroyed without **prior approval** (see 4.10). The **LPA** must consider whether or not the **proposal** conserves or enhances the character or **appearance** of the **conservation area**. Some permitted development rights may be removed in conservation areas, usually by means of **Article 4 Directions** (see section 4.2). Otherwise, planning permission for development in a **conservation area** must be sought in the usual way.

## Historic parks and gardens

There are some parks (council owned private estates or gardens of important houses) that are included within **Cadw's** register of **historic parks**. There is no separate legal protection for these parks but their historic parks status is a **material planning consideration**.

## Application to fell, lop or top a tree covered by a Tree Preservation Order (TPO)

A **TPO** can apply to an individual **tree**, small groups of **trees**, or woodlands, important to the environment of an area and providing public benefit. Often **TPOs** are made suddenly by the **LPA** when the **tree(s)** are under threat of removal. The retention of trees is important to screen and soften the impact of development or because they are an important feature of the local scene. It is an offence, liable to a fine or imprisonment, to wilfully damage, fell, lop, or top a **tree** covered by a **TPO**, without the **LPA**s consent. Where a tree covered by a **TPO** can be shown to be in a dangerous condition the **LPA** will usually allow it to be felled, but it would be normal to require a replacement to be planted.

## Certificate of Lawfulness of a Proposed Use or Development (CLOPUD)

If someone wants to be certain that a planning application is not needed in order to do what they propose, they can apply for a **Certificate of Lawfulness of a Proposed Use or Development (CLOPUD)**. The decision whether to grant such a Certificate is a **legal** one; therefore many **LPA**s **delegate** such decisions to legal and planning officers (see section 5.6). The merits of the **proposal** are irrelevant, and **LPA**s do not have to notify on such applications, although they may do.

## 5 THE PLANNING APPLICATION PROCESS

### 5.1 Before the application is submitted

Often applicants discuss **proposals** with planning staff before making an application ('**pre-application discussion**'). Any such 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 interested parties such as **CTCs** before submitting an application. The **CTC** will need to be aware of anything relevant in the **Development Plan** (see Chapter 3). It also needs to be aware that there can be more than one application submitted at the same time for one piece of land, even by the same applicant. The **CTC** should check that any application submitted does include any points that it thought it had agreed; and that the applicant is not claiming the **CTCs** wholehearted support unless that is true. An application can be withdrawn by the applicant or refused by the **LPA** and then resubmitted with or without amendments.



## The submission of planning applications

The completed application form should be submitted to the relevant LPA together with a location plan showing where the site is; plans showing details of the proposed development; a certificate of ownership; and the appropriate fee, (which varies between £45 for say an **advertisement** to, £12,100 for residential developments to £18,150 for waste and mineral developments). An applicant, who does not own the site, must serve a notice to inform the owner about the application. Applications are often submitted by the person who drew up the plans, known as the '**agent**'. The same rules apply to **CTCs** who wish to obtain planning permission for development, as apply to any other applicant, but they only pay half the fees.

[The Town and Country Planning (Fees for Applications and deemed Applications) (amendment) (Wales) Regulations 2004].

## Environmental Impact Assessment (EIA)

Planning applications for two types of development have to be accompanied by an impact statement, a document which provides a comprehensive assessment of the environmental impact of the **proposal**:

1. "**Schedule 1 developments**" - major energy generation and transport projects e.g. **wind farms** always require an impact statement.
2. Large scale **proposals** require an **EIA** if the **LPA** considers the development will have significant environmental effects e.g. a business park next to an area of **nature conservation** importance.

An **LPA** can refuse to start processing an application until the impact statement has been received. The process of determining whether an **EIA** is required is called **screening**.

## Planning Application Design Statements

These should be submitted with all planning applications for development which have **design** implications including applications for new or extended buildings. These statements should explain the development **design**, its principles, its relationship with the surrounding area and how it relates to council policies. It can be in the form of a short written statement with illustrations, and photographs if necessary.

## 5.5

### Access to plans and other information

Details of an application can be seen at the **LPA** offices once the application is registered. The public can also look at files and documents which relate to something reported to a **LPA Committee** in the last 4 years. Other files relating to planning issues, e.g. preparation of **development plans** and **design** guidance, are available for inspection free of charge if the document has been reported to **Committee**. Confidential papers relating to items of a financial and personal nature are exempted from inspection. The **Committee** report itself and minutes of the **Committee** meeting are still available for up to 6 years. **Committee** reports and agendas must be available to the public at least three working days before the 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, except that normal **copyright** rules apply after an application has been determined: although the application details can be seen, copies can only be issued with the permission of the **copyright** holder - the applicant and architect or **agent**. (For Freedom of Information Act please refer to 7.6.3).

## 5.6

### From submission to decision

Once a planning or other application is submitted to the **LPA**, its staff obtain information, normally summarised in a report to assist Elected Members when they determine the application. Many minor applications e.g. house extensions may not need to go to Committee but can be decided by senior staff using “**delegated powers**” (rules may vary between **LPAs** as **delegated powers** are approved by their elected members).

Two types of information are sought during processing - technical and public opinion. Technical matters must include **development plan** policies relating to the site (see Chapter 3) and may include The **Welsh Government** policies contained in **Planning Policy Wales**, **TANs** and circulars (see chapter 2). **Advice** is also sought from specialist council officers, such as **highway** engineers or environmental health officers and government agencies, e.g. Countryside Council for Wales (**CCW**), **Cadw** or Sports Council for Wales.

Public opinion i.e. the opinion of interested parties, including **CTCs**, residents' associations, action groups, conservation groups and individuals, is also taken into account.

## Public Notification

The extent of **consultation** an LPA is required to undertake varies according to the type of development proposed and type of application. All applications, other than those for **advertisement** consent (see 4.4), need to be publicised locally either by means of a letter to neighbouring occupiers or by a public notice placed at the site.

Larger scale developments, or those which are considered by the **LPA** to be departures from the **development plan**, must be publicised in a local newspaper as well as notified to neighbours directly. Examples include residential **proposals** of 10 or more units and non residential developments of over 1000 square metres (10,760 square feet) floorspace. **Heritage applications (listed building and conservation area consents)** also require press advertising (see 4.6 and 4.7).

Although, any body or organisation can comment on any application, **CTCs** have the right to be notified of every planning application in their area. Practice varies between **LPAs**: some send councils weekly lists of planning applications, and councils request information on applications of interest. In other cases councils are directly notified. Normally, one full set of application drawings is sent to the Clerk of the **CTC**. The given time to respond with **representations** is either 14 or 21 days, after which the **LPA** may then **determine** the application. If they need more time, **CTCs** should send a "holding letter" indicating their interest and intention to comment on an application. If they have no comment they should say so. If a **CTC** is directly notified of an application the letter should indicate the nature of development and identify the land to which it relates. (See 5.5).

Schedule 1, Paragraph 8 (1) of the **Town and Country Planning Act 1990** requires an **LPA** to inform a **CTC** of all planning applications with its' administrative boundaries, should the **CTC** request this in writing.

**Article 13 (2) of the Town and Country Planning (General Development Procedure) Order 1995** requires **LPAs** that have informed a **CTC** of a planning application, not to determine the application unless:

- (a) The **CTC** informs them that they do not propose to make a **representation**,
- (b) A **representation** is made by that council, or
- (c) 14 days has passed since the **CTC** was informed of the application.

It is essential that Council responses to consultations are timely and clearly **represent** the **CTCs** views.

## 5.8

## Material and Non Material Considerations

Any decision made on a planning application must take into account the **Development Plan** and should relate to planning issues, unless **material considerations** lead the authority to decide otherwise. The scope of **material considerations** is wide and very occasionally can include personal circumstances, leading to personal planning approval being awarded, particularly in relation to special needs, these include:

- policies in the **Local Plan**, **Structure Plan** or emerging **UDP** or **LDP**, even if still draft and not yet **adopted** see Chapter 3);
- Planning policy guidance (see chapter 2);
- suitability of the site;
- visual **appearance** of the proposed development and its relationship to its surroundings. This is a complicated area but can include:
  - building materials;
  - height, scale, massing, **design**, density and layout of development, particularly in comparison with other buildings in the locality;
  - **landscaping proposals** and;
  - privacy, over-shadowing, over-development (overcrowding), and lack of natural light;
- nuisances caused by the development such as **noise**, smell, fumes, glare from floodlights or headlights of vehicles;
- adverse safety impact e.g. the siting of a hazardous installation such as a firework factory next to **dwelling houses**;
- impact on setting of **listed buildings** or **conservation area** (see sections 4.6 and 4.7);
- compatibility with existing uses e.g. the mix of uses found in town centres - such as shops, offices and cafes;
- economic benefits, e.g. creation of jobs;
- the needs of an area e.g. employment, commercial, social or leisure facilities, affordable **housing**;
- provision of suitable **access** and transportation (including road safety, parking issues, effect on pedestrians and cyclists, and amount of traffic generated);
- adequacy of infrastructure (e.g. **sewerage**, **drainage** and **water** see chapter 10);
- **pollution** and **contamination** (see chapter 10);
- impact on archaeology;
- impact on **nature conservation** (see section 9.3);
- creation of an undesirable precedent, making it difficult to resist similar **proposals** elsewhere and
- planning history of the site e.g. including decisions on previous planning applications on the same site, particularly **appeal** or court decisions.

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

- ethical issues e.g. relating to the location and running of massage parlours; the encouragement a new betting office will give to gambling; whether a new club may encourage young people to consume excess alcohol;
- whether a prospective builder is respected in the neighbourhood or more generally the reputation of the applicant;
- the effect of local commercial competition on an existing business e.g. where the opening of a new fish and chip shop next door could put an existing fish and chip shop out of business. However, larger scale impacts could be considered e.g. an out of town store causing the decline of the local high street;
- personal circumstances of the applicant - e.g. devaluation of property, private property rights including boundary and access disputes;
- private interests – e.g. loss of a view or competition between businesses;
- cost of the development;
- title restrictions e.g. **legal** covenants;
- applicant's lack of ownership of the site;
- issues covered by other legislation - e.g. health and safety regulations, licensing, building control and
- any factor indicating that there is a lack of any reasonable prospect of the development proceeding.

### Tips for commenting on planning applications

5.9

Following the **advice** below will increase the likelihood of **CTC** views being taken into account and the **LPA** being able to add merit to concerns raised:

- number your concerns and set them out in separate paragraphs;
- ensure your **CTCs** comments are relevant to planning control (see section 5.8). **LPA** staff cannot tell you what to say, but they can advise on whether any point is or is not relevant to planning control;
- list and classify **objections** in a logical manner: start with any comments on the proposed use, referring to **development plans** and other policy documents if possible. Then discuss **design** and layout issues, e.g. **access** arrangements, density, **appearance** of buildings and
- always make sure your comments are submitted to the **LPA** in the specified time and that your comments relate specifically to the scheme as submitted by the applicant.

## 6 PLANNING APPLICATION DECISIONS

### 6.1 Time taken to make a decision

Each LPA has different ways of processing planning applications, some quicker than others. LPAs should deal with applications within a time limit of 8 weeks, or 16 weeks for those applications requiring an EIA (see section 5.3). This may seem a long time, but applications can be subject to long **consultations**, a process repeated when amendments are made. Applications which are not determined in this time can be taken to appeal by the applicant, on the grounds of **non-determination**. Applications which cannot be decided by senior staff using **delegated powers** (see section 5.6) must wait for a **planning committee** meeting, usually held every 3 to 6 weeks on a weekday afternoon or evening.

### 6.2 “Calling in” an application

The Welsh Government can “call in” any planning application i.e. make the decision instead of the LPA. This rarely happens in Wales and applies to only a handful of applications. An application is only likely to be **called in** if it:

- (i) conflicts with national planning policies (see Chapter 2);
- (ii) could have wide effects beyond the immediate locality;
- (iii) might give rise to substantial controversy beyond the immediate locality;
- (iv) is likely to significantly affect sites of scientific, nature **conservation** or **historic** interest, or areas of **landscape** importance;
- (v) raises issues of national security or
- (vi) raises novel planning issues.

### 6.3 Planning Committee meetings

Different LPAs have different names for the **committee** which decides on planning applications: it may be a sub-**committee**, and the name may include “**development control**”. These meetings are open to the public. The **committee** consists of elected members, who have to declare an interest, personal or financial, in any application being considered by them. They may not take part in discussions or vote on an application if they have such an “interest” in it (see 1.6). The **committee** can **determine** applications from other parts of the same council (e.g. to build a new school) but not from itself: this would have to go to full council. Technical officers attend 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 normally have the right to speak on an application, unless the **LPA** makes allowances for them to do so. Some **LPAs** make exceptions e.g. if a large **petition** is submitted, the chief petitioner or organiser of the **petition** may be able to attend and speak. If you are not sure whether your **LPA** provides for third parties to speak at Committees you should check with your **LPA**. 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 three days before the **committee**. The schedule can be added to right up to the time of the **planning committee** meeting by means of “**late representations**” that will form part of the **committee** report.

6.4

## Possible decisions

The **committee** considers the reports and any other information provided, including feedback from site visits, and reaches a conclusion on the suitability of the **proposal**. The **Committee** can adopt all or part of the officer's recommendations to approve or refuse an application. It can also go against a recommendation or can suggest extra planning **conditions** (see section 6.5) or remove suggested conditions. These decisions have to be taken with care and, in the event of a successful **appeal**, the **LPA** could be held responsible for costs, if it was deemed to have acted unreasonably. The **Committee** can defer consideration for more information or decide to visit and inspect the site. Where it wants to impose something which cannot be made a **condition**, it may make the application subject to a legal agreement. These are called **Section 106 Agreements**, which are agreements between the **LPA** and the developer about improvements for the wider **community** that are to be provided by the developer, possibly to address issues raised or associated with the development itself, e.g. an agreement could seek improvements to a highway. Planning permissions that are subject to a **Section 106 Agreement** are not valid until the agreement has been completed. Once an application has been approved or refused decision letters are sent out to the applicant.

6.5

## Conditions of planning permission

**Conditions** of 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 **LPA** before any development starts. Some **conditions**, e.g. the provision of a new footpath, will need to be the subject of further **consultation** and another report back to the **committee**. **Conditions** can only be altered or removed by means of a new application or by an appeal against a particular condition. An **appeal** against one or more **conditions** can be made to The **Welsh Government**. (Refer to 7.1 overleaf).

## 7 APPEALS

### 7.1 What is an appeal?

There is a right to **appeal** to the **Planning Inspectorate**, an executive agency to The **Welsh Government**. **Appeals** are made by an applicant, most commonly where planning permission has been refused by the **LPA**, but are also made against **conditions** applied to planning permissions; refusal to issue **CLOPUDs** (see 4.10) or **CLEUDs** (see 8.3); refusal of **Listed Building, Conservation Area or Advertisement Regulations** consent (see 4.4/6/7); **Enforcement Notices**; and refusal to permit works affecting **trees** which are the subject of a **TPO** (see section 4.9). An applicant can also **appeal** if their application has not been determined within prescribed **time limits**.



### 7.2 Who can appeal?

The right of **appeal** is normally available solely to a person who has made an application to a **LPA**. Thus **third parties**, such as **CTCs**, residents associations and other special interest groups, cannot **appeal** against a decision of an **LPA** on somebody else's application. The law does not allow, for example, a group of objecting residents to **appeal** against the decision of an **LPA** to grant permission for a new **housing** development in their neighbourhood. If the applicant **appeals** against an **LPA** decision, then **third parties** can make their views known.

## How are appeals conducted?

**Appeals** are normally conducted and decided by an **Planning Inspector** appointed by The **Welsh Government** (see 7.1). An **appeal** may be dealt with by means of **Public Inquiry**, Hearings or **Written Representations**.

### Public Inquiries

**Appeals** dealt with by this method usually **involve** large developments, such as major **housing** and shopping schemes, where much is at stake and the cost of an **inquiry** is not a primary issue, and where rigorous **examination** of the evidence is necessary. Often each side uses a barrister, who will call on and cross-examine various expert witnesses. The **appearance** of **third parties**, such as special interest groups, residents groups and **CTCs**, frequently features at such **appeals**.

### Hearings

These usually take the form of a roundtable discussion led by an **Inspector**. There is no formal cross-**examination** or advocacy, which enables the parties to present their cases fully and fairly in a more relaxed and less formal atmosphere than at an Inquiry. A **Hearing** is a simple alternative to an Inquiry, appropriate to cases involving a smaller scale of development and not raising complex issues or giving rise to substantial **third party** interest. A **Hearing** is not appropriate if many members of the public are likely to be present or the case raises complicated **legal** or policy issues.

### Written Representations

This is the most commonly adopted **appeal** procedure and is suitable for smaller developments where the issues are fairly straightforward and best left to the judgement of an **Inspector** following scrutiny of written evidence submitted by the appellant, **LPA** and interested **third parties** and an often unaccompanied site visit.

### Making your views known at an appeal

Once an **appeal** has been lodged, the **LPA** will advertise the **appeal**, which gives neighbours, **CTCs** and previous **objectors** the opportunity to put forward their views to the **Inspector**. **Representations** made as a result of this procedure are sent to the **Planning Inspectorate**. **Third parties** wishing to appear before the Inspector in an Inquiry need to inform the **Planning Inspectorate** in advance. In the case of a Hearing, they should preferably do so. In both cases they will normally be asked to provide a written statement of their case in advance. It is important for any **CTC** representatives to refer to a minute of the Council authorising that person to make representations at the Inquiry. **CTCs** are at risk of having costs awarded against them if they act unreasonably.

## 7.5 What happens after the appeal?

Following the submission of written evidence and, in appropriate circumstances, the completion of an **Inquiry** or **Informal Hearing**, the **Inspector** will take time to consider the merits of the case before deciding whether to allow or dismiss the **appeal**. The **Inspector's** decision made after an **appeal** is contained in the form of a letter which has the effect of superseding the original decision made by the **LPA**. The Inspector's decision is final and can only be challenged in the High Court on a point of law (refer to '**Judicial Review**' at 7.6.2).

## 7.6 What to do if you can not appeal

Only the applicant can **appeal** to the **Planning Inspectorate** about a planning decision made by the **LPA** as there are no **third party** rights of **appeal**. (See section 7.2)

Concerns about whether the correct procedures have been followed can be made and should be sent to the local authority's Performance Monitoring Officer, who has a complaints procedure to follow.

### 7.6.1 The Public Services Ombudsman

The **Public Services Ombudsman** for Wales deals with any member of the public or organisation who has suffered an injustice as a result of maladministration by a local authority in Wales. He also has the power to investigate allegations if elected members of local authorities in Wales have failed to comply with the Authority's code of conduct. CTCs can make a complaint to him although few have. (See section 1.6)

This process can take some months or years to conclude and even if a complaint is upheld the **Ombudsman** normally only recommends that the authority offers a remedy for that injustice. The recommendations are not **legally** binding upon the authority but are usually acted upon. It is very rare that the **Ombudsman** recommends that a decision should be revoked. The **Ombudsman** does not consider the merits of a planning case: he is only interested to see if the correct procedures have been followed.

## Judicial Review

This is a costly, timely process and is therefore rarely used. **Third parties** and applicants, can follow the process of **judicial review** through the Courts if it is felt that a decision (and the action leading to that decision) was taken by the **LPA** in a way that was unlawful. The test of whether it is worth pursuing a case through the **judicial review** process is whether the authority has followed the letter of the law in their decision making process and not whether the decision made is right or wrong in itself.

An application for a **judicial review** must be within three months from the date of the planning decision notice. The **advice** of a planning barrister/lawyer should be sought in the first instance including an estimate of the potential costs involved and to gauge whether a case is worth pursuing. A decision made against the applicant would mean that they would be liable to pay the costs incurred by the **LPA**.

## Human Rights and Freedom of Information Acts

The **Human Rights Act 1998** came into effect in Wales in October 2000. The **Article** most relevant to planning procedure is **Article 6**, (the right to a fair trial). In May 2001, the House of Lords ruled that the planning system and in particular where it relates to the appeal procedure, is consistent with **Article 6**. This concept of fairness embodied in **Article 6** is close to the principles of openness, fairness and impartiality (the "Franks" principles) which the Planning Inspectorate has followed for many years when operating its planning appeal procedures.

**Article 8**, of the Act refers to the right of respect for private and family life and for the home and **Article 1** of the First Protocol refers to the peaceful enjoyment of property. A claim made under these articles to the Court of the **Human Rights** could succeed only if the interference in the right of the individual concerned is not outweighed by the public interest. A violation of a person's **human rights** under these articles in cases relating to the planning system has been found only rarely. Less serious effects may well be relevant as **material considerations**, but are unlikely to succeed as the basis for a claim under the **Human Rights Act**.

The **Freedom of Information (FOI)** Act (January 2005) entitles anybody to ask public authorities and Government departments for any recorded information that they keep. It works alongside the Data Protection Act (1998), which allows people to access information about themselves and the Environmental Regulations (2004), which give people access to information about the environment. All public authorities covered by the FOI Act have a Publication Scheme which can be viewed on their websites or at their offices. All requests for information must be made in writing, and a charge may be made for the information.

## 8 ENFORCEMENT

### 8.1 Principles

Although the law says that planning permission is required for development, a **LPA** can only take **enforcement action** if it is "**expedient**". No action should be taken against development without planning permission, if such permission would have been granted had it been applied for. There needs to be evidence of enough harm caused to warrant **enforcement action**. Any **enforcement action** also needs to take place within **time limits**: four years in the case of the substantial completion of building operations or the **change of use** to a single **dwelling house** (which includes self-contained flats); ten years in any other case. The same is true of other breaches of planning control, such as failure to observe **conditions** (see section 6.5). Many **enforcement** problems **involve** "grey" areas: such matters as whether there has been a breach of planning control; whether a development is so harmful as to warrant **enforcement action**; and, in the case of building operations, when substantial completion occurred.

### 8.2 Enforcement notices and Stop notices

A **LPA** 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 such notices. Prosecutions are usually unnecessary, as the fines can be hefty, up to £20,000 in the Magistrates' Court, and more in the Crown Court. The **LPA** may be able to use the threat of such notices to persuade the developer to put matters right voluntarily within a given timescale. However, **LPAs** are dependent on the courts: they have little influence on the court's timetable and it can take several months to bring a contested case to full trial. **LPAs** have to be especially careful about the use of **Stop Notices** as they may be at risk of having to pay compensation if the notice is quashed on **appeal** possibly on **legal** issues rather than on planning merits.

### 8.3 Certificate of Lawfulness of an Existing Use or Development (CLEUD)

This Certificate may be applied for by someone who wants to be certain whether an existing development is immune from **enforcement action**. It may be so because it benefits from a specific planning permission then in force; because it is **permitted development** (see section 4.2); because it is not development at all; or because the time for taking **enforcement action** has expired. See also **CLOPUD** (see section 4.10).

## How can community and town councils help to secure enforcement action?

8.4

### Information

8.4.1

Report breaches of planning control in writing with clear descriptions of the breach, including where it is, and an account of the perceived harm, or potential harm, caused by the breach. Give details of neighbours or others who are willing to come forward to provide detailed evidence about a breach e.g. dates, times and vehicle index numbers of cars blocking the lane while waiting repair at a back lane garage. Early reporting of possible unauthorised work may avoid major problems developing.



In the case of applications for a **Certificate of Lawfulness**, **CTCs** (see section 8.3) 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.

### Support

8.4.2

If enforcement cases go to **appeal**, support the **LPA**s case by writing to the **Planning Inspectorate**.

### Pressure

8.4.3

Ask if there is any evidence or other information which the **CTC** or others might be able to provide. Use this with discretion - if the case is not really urgent, such requests may provoke a report to **Committee** recommending that it is not **expedient** to take action. If the case is urgent, other approaches may provide a faster remedy: Environmental health action can often be taken against excessive **noise** or other serious threats to public health and safety, irrespective of the planning status of the property from which the threat comes.

## 9 TOPICAL ISSUES

### 9.1 Sustainable development

**Sustainable development** has many definitions but generally the most common definition used is that first used in the Brundtland Report (see section 2.1). In order to pursue sustainable development it is necessary to adhere to four objectives, as follows:

- social progress which recognises the needs of everyone;
- effective protection of the environment;
- prudent use of natural resources and
- the maintenance of high and stable levels of economic growth and employment.

The planning system can play a role in delivering sustainable development in Wales by trying to balance and integrate these objectives when providing for development needs today whilst safeguarding the needs of the future.

### 9.2 Minerals

#### 9.2.1 Why we need mineral workings

Government policy seeks to provide an adequate supply, both now and in the future, of the **minerals** needed for industry, construction and power supplies. Although the use of alternatives is promoted, e.g. industrial by-products or **wastes**, they cannot replace natural **minerals** entirely.

#### 9.2.2 The impact of mineral workings and how to lessen it

**Minerals** may be worked by open pits (**quarries**, open-cast, **gravel pits**), by deep mines, or by **dredging**. **Quarry** operations may raise concerns about visual impact, blasting vibration and **noise**; deep mines may cause worries about subsidence or spoil heaps, and both can cause concerns about **noise**, dust, effects on underground **water** supplies, and how well sites can be restored. **Dredging** can cause worries about impacts on coastal erosion (including sand loss from beaches) and on fishing. All three forms of working have potential heavy traffic and **pollution** impacts.

It is unreasonable to resist all **mineral** working because of the need and use of the product; **minerals** can only be worked where nature left them; and simply passing the problem by expecting other areas to extract minerals needed elsewhere will not solve the problem. There is likely to be more success in pressing for stringent controls on **mineral** working in order to minimise its impact. Controls may include restrictions on

working hours, vehicle routes, **noise**, dust and blasting impacts, and general good site management during operations; insistence on high quality **landscaping** to be completed at an early stage in site development with satisfactory and suitable restoration, including progressive restoration where appropriate, after the completion of operations. Regular monitoring of **mineral** sites is essential to ensure high standards are maintained.

## Planning and minerals

9.2.3

National planning policy for minerals is set out in **Minerals Planning Policy Wales**. The **LPA** is known as the **Minerals Planning Authority (MPA)**. Minerals' working is controlled by the **MPA** in accordance with policies in the **development plan** that will include an assessment of how much of each **mineral** is needed. Because mineral working is a long term but temporary activity, there is a requirement for periodic review of all **mineral** permissions. Every 15 years, operators or owners have to apply for new planning **conditions** to govern the working of their sites, and the operators of older dormant sites cannot resume working without seeking approval of a modern set of **conditions**. In both cases the new conditions may take account of more modern practices and standards, but cannot restrict the amount of **mineral** which can be worked unless compensation is paid (see also section 6.5). **Mineral** working companies are encouraged to set up liaison **committees** with local **communities** affected by their activities and to produce annual environmental audits of operating sites. There are slight differences in the case of **dredging**.

## Regional planning for aggregates

9.2.4

**Minerals Technical Advice Note (MTAN) 1: "Aggregates"** was published by The **Assembly Government** in March 2004. A regional environmental capacity assessment for Wales was completed and published in February 2005. The **MTAN** requires the two Regional **Aggregates** Working Parties in Wales to produce a Regional Technical Statement within 18 months of completion of that assessment. This Statement will set out how each **LPA** should contribute to an adequate supply of primary **aggregates** based on the capacity assessment, together with advising on the region's potential for increasing the use of alternative materials, such as secondary or recycled **aggregates**.

## Landscape and nature conservation

9.3

A large part of Wales is covered by areas designated for their **landscape** and **nature conservation** value, including three **National Parks** and **AONB**, of which there are five, and a number of areas that are designated at an international and national level for their **nature conservation** importance (refer to sections 1.4 and 3.3). Such areas

include **Special Areas of Conservation (SAC)**, **Sites of Special Scientific Interest (SSSI)** and **National Nature Reserves (NNR)**. Tighter planning controls are exercised in these areas.

**National Parks** and **AONB** receive the highest protection as far as **landscape** and scenic beauty are concerned. The purposes of **NPA** are to conserve and enhance natural beauty, wildlife and cultural heritage, and to promote opportunities for public understanding and enjoyment of their special qualities. Any major development within a **National Park** must be demonstrated to be in the public interest before being allowed to proceed and will have to meet high environmental standards. Conflict can often arise where proposals to meet local needs are considered detrimental to the primary purpose of the **National Park**.

The primary purpose of **AONB** is the conservation of the natural beauty of the **landscape**. **AONB** differ from **National Parks** in that the promotion of recreation is not an objective. The respective local authority remains as the **LPA** but there will usually be a joint advisory committee which brings together all the interests groups. Major development will not normally be allowed unless there is a proven national interest and or lack of alternative sites.

In addition, **LPAs** may designate their own areas of local conservation interest, importance or value, such as local nature reserves which may have status in the local context as supplementary guidance to the adopted development plan but would not be given the same weight as those mentioned above as of national importance.

#### 9.4 **Telecommunication equipment, including masts**

The huge growth in the use of mobile telephones has consequently caused a large number of **masts** to be erected. Where a **mast** is over 15 metres planning permission is required for an installation, and major consideration would be given to the **design (appearance)** and the siting (location) of the mast. Unfortunately, the siting of the antenna located on the **mast** is usually dictated by technical requirements concerning range or line of sight.

Where the height of a mast positioned on the ground is less than 15 metres planning permission is not required as the installation would be permitted **development**. However, certain of these **permitted development rights (pdrs)** can only be exercised after the telecoms operator has notified the **LPA** of its intention to install a **mast** using these rights. This is known as **Prior Approval**, and this provides a **LPA** with the opportunity to control the **appearance** and siting (location) of the mast. If the **LPA** considers that the **proposed** appearance or siting are

unacceptable it has 56 days (8 weeks) in which to refuse the proposal, otherwise the installation can go ahead. (See section 4.2.)

**LPAs** can apply to remove **pdrs** if there is perceived to be a specific risk to the locality but this would be subject to the approval of the **The Welsh Government**. For example, the health risk posed by **mobile telephony** is unproven and is therefore a difficult issue for **LPAs** to address, due to the lack of conclusive evidence. However, it seems a “precautionary principle” is now being **adopted** by many **LPAs** to avoid, for example, **masts** being installed close to schools.

## Agriculture

9.5

**Agriculture** is not defined as development under Town and Country Planning Law and neither requires planning permission nor prior notification as permitted development. Section 336 of the Town and Country Planning Act 1990 defines **agriculture** as including:

- Horticulture, fruit, seed growing and dairy farming;
- The breeding and keeping of livestock;
- The use of land as grazing land (including grazing of horses but excluding “keeping of horses” e.g. for recreational purposes) for, meadow land, osier land, market gardens or nursery grounds and
- The use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.

This definition of **agricultural** land “is land which is in use for **agriculture** and which is so used for the purposes of a trade or business, and excludes any **dwelling house** or garden but includes “**agricultural units**” defined as:

- Any **dwelling house** or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or
- Any dwelling on that land occupied by a farm worker.
- **Permitted development** rights (see section 4.2) exist for **agricultural units** of 5 hectares or more, as defined above, for erection, extension or alteration of a building, excavations and engineering operations that are reasonably necessary for the purposes of **agriculture** within that unit, such as;
- Temporary uses of land;
- Agricultural buildings below a certain size;
- Forestry buildings and forestry roads and
- Caravan sites and related buildings in some circumstances.

**Prior Approval** may be required for these developments and in exceptional circumstances the **LPA** may have withdrawn these rights.

## 9.6

## Renewable energy

Government policy sets out to encourage the generation of **energy** from **renewable** and other low carbon sources. It is considered by experts that a switch away from a dependency on fossil (high carbon) fuels such as coal, will limit the release of “green house gases” and thereby contribute to the reduction of the impacts on **climate change**.

**Renewable Energy** is that which can be generated on a sustainable basis from natural processes. It includes the utilisation of the solar radiation, tides, waves, **wind**, fast-flowing **water**, crops and **agricultural** and other **wastes** (e.g. biomass and bio-diesel).



### Renewable energy

comprises many forms and includes the production of heat, transport fuels and electricity. The scale of such developments also varies tremendously and in instances of small scale developments planning permission would not be required (e.g. for solar **water** heating or electric panels on houses). On the other hand large scale developments such as a wood fuel power station or a large **wind farm** will require not only planning permission but also may require an **EIA** (see section 5.3) alongside a planning application.

Currently, most public debate centres on the development of **wind-power** projects, and this is likely to continue since it is **wind-power** that has been earmarked for the provision the majority of new **renewable** electricity capacity in the next decade. The **Welsh Government** has set an ambitious target for the deployment of **wind turbines** in Wales, and **TAN 8** sets out the location for seven **Strategic Search Areas (SSAs)** for on-shore wind farms and it is therefore within these areas that most new **wind turbines** are likely to be approved. Outside of the **SSAs** wind-power projects are likely to be restricted to urban, industrial, brown-field sites and to genuinely **community** based projects.

[**TAN 8: Planning for Renewable Energy July 2005** and in particular Annex C “Description of Renewable Energy Technologies” and Annex B with regard to **community** benefits arising from **wind-power** schemes]

# RELATED ISSUES

## Building Regulations

Planning permission relates to the use of land and buildings and the effect of buildings and other constructions on the physical and visual environment. How buildings are constructed is controlled by **Building Regulations**.

**Building Regulations** are intended to ensure the health and safety of people in and around buildings. The regulations also provide for energy efficiency in buildings and for the provision of facilities for disabled people.

It should be born in mind that the grant of Planning Permission is not the same as approval under the **Building Regulations** and any questions about building construction should be addressed to your local authority's building inspectors.

## Highways

The construction of all new roads and **highways** requires planning permission or act of parliament. However, works carried out by the highway authority within or on land adjoining the boundary of a highway are permitted by the **Town and Country Planning General Permitted Development Order (1995)**.

Planning permission is also required for the formation, laying-out, and construction of a means of **access** to a trunk road or classified road and in all cases the developer will need to enter into a formal agreement under the **Highways Act** with the **Highway Authority** regarding details of the construction.

## Flood risk

**Flood risk** must be taken into account when considering development **proposals**. Failure to do so can have serious repercussions for individuals and **communities**, including the potential for loss of life. 12% (140,000 properties) of Wales' **housing** stock is considered to be at risk of flooding by rivers or the sea. The risk and magnitude of flooding is also likely to increase as the **climate changes**.

The **Welsh Government** advises caution in considering new development in areas of high **flood risk** by setting out a precautionary framework. In order to guide development it uses **flood risk** zones (A, B, C1 and C2), that are identified within The **Welsh Government**

10

10.1

10.2

10.3

Development Advice Maps, and 3 main categories of development (i.e. Emergency services, highly vulnerable development and less vulnerable development). A key requirement is that emergency services and highly vulnerable development should not be permitted within the highest risk zone (C2.). Any other development **proposal** within zone C1 or C2 should be accompanied by an appropriate assessment of flooding consequences which should demonstrate that an extreme flood event can be acceptably managed. **Flood risk**, and environmental damage, can also be managed by the control of the volume and speed of surface **water** run off.

[TAN 15: Development and Flood Risk July 2005.]

## 10.4 Surface water drainage

Where potential flooding or **pollution** risks are identified from surface water run-off then protection measures may be required, such as the use of methods to reduce the peak **water** flows. This must include consideration of the use of so called “soft” engineering techniques that have less environmental and **landscape** impact than structures made of concrete or tarmacadam. These Sustainable **Drainage** Systems (SuDS) can also improve the wildlife habitat and the quality of the river **water**. SuDS use natural systems, such as ponds and the permeability of grassy areas and soil. They should be considered in preference to conventional **drainage** systems by developers or where a conventional drainage system is used, then it may need to improve the current situation.

## 10.5 Foul drainage

Development proposed in sewered areas must, where feasible, connect to the public foul **sewer**. Developers must ensure that the site will be able to connect to the nearest public foul **sewer** and that adequate capacity is available to treat the sewage and therefore prevent pollution of the local stream or river. Private **sewage** treatment facilities within sewered areas are not considered to be acceptable (**Planning Policy Wales**, March 2002). Development proposing the use of private **sewage** disposal facilities will only be considered acceptable where connection to the public foul sewer is not feasible, for reasons other than cost. Development applications, which include the use of private **drainage** systems, are subject of an assessment of their effects on the environment, amenity, and public health in the locality.

[Welsh Office Circular 10/99].

## 10.6 Waste

The National Waste Strategy for Wales (**Wise about Waste**) aims to move Wales from an over reliance on landfill to more sustainable **waste** management. This means that we must recycle compost and minimise

the **waste** that we produce and keep to a minimum waste going to landfill sites, which is currently used to dispose of 83% of our household **waste** and there is now no commercial site for the disposal of hazardous **waste**, which must be transported, at expense, to sites outside Wales.

Careful and informed consideration must therefore be given to proposals for the provision of **waste** facilities. Any development proposal can also **involve** the production of **waste**, such as demolition materials. In such cases the scheme should include proposals, where practicable, for reusing, recycling or composting these materials, which may include secondary **aggregates** (refer to section 9.2).



## Land contamination

The **Welsh Government** advocates the use of brown-field sites in preference to green-field developments. A **proposal** to develop land which may be **contaminated** is subject to a site investigation that includes a risk assessment, so as to establish the nature and extent of **contamination**. A report presenting this information and **proposals** for adequately managing the **contamination** must be submitted in support of the planning application or in response to planning **conditions** imposed by the **LPA** (see 6.5).

10.7

## Pollution prevention

Whilst land use planning and environmental management are dealt with through separate systems, planning has an important role to play in minimising environmental risks. It must however, not seek to control by planning measures matters that are dealt with by the **pollution** control authority, which is the **Environment Agency**. Development **proposals** may need to include measures to prevent **pollution** during construction. (**The Environment Agency** provides **Pollution Prevention Guidance Notes** to address the key environmental risks to **water** and soil including **oil pollution**).

10.8

# 11 WHERE TO GO FOR HELP

## 11.1 On land use planning matters:

The following Chapter was relevant and up-to-date at the time of printing, but it is not exhaustive and websites and contact details may change during the life of this document. If you find more useful sources of information or have any up-dates please contact PAW (see details below).

**CTCs** are advised to contact agencies at an early stage as possible when involved in town and country planning matters including development control and or **development plan** enquiries. Free land use planning advice and information is available from the following sources:

**LPA Planning Officers** are often happy to explain planning procedures on current applications and relevant development plan policies. However, if there are a lot of people **involved** or if there may be a need for a meeting prior warning or arrangements should be made with the relevant officer.

Many **LPAs** have published a Planning Charter which sets out their procedures in detail. They also stock a range of publications, including those published by other agencies many of which are free. Local authority or local council address and contact details can be found at [www.direct.gov.uk](http://www.direct.gov.uk) or the Welsh Local Government Association. (See page 44.)

**Planning Aid Wales (PAW)** is a charity which provides free information and advice on the land use planning system to individuals and **community** organisations (including **CTCs**). The assistance provided can range from brief clarification of a planning issue to help with participation at a **public inquiry** or in drafting **proposals** for the regeneration of an area. **PAW** has also published several booklets to assist public participation in the planning system. **PAW** runs a Telephone Helpline Service which can be contacted on 02920 625000 and is available live from 10:00am - 1:30pm Monday to Friday or you can write to:

### Planning Aid Wales

First Floor,  
174 Whitchurch Road,  
Heath, Cardiff  
CF14 3NB

Or email: [info@planningaidwales.org.uk](mailto:info@planningaidwales.org.uk)

Or Fax: 02920 625009

Or visit the **PAW** website: [www.planningaidwales.org.uk](http://www.planningaidwales.org.uk)

The Bar Pro Bono Unit was established by Lord Goldsmith QC, in May 1996 to provide pro bono – free – **legal advice** and representation in deserving cases where public funding (**Legal Aid**) is not available or

where the applicant is unable to afford **legal** assistance. The Unit helps by putting solicitors, **advice** agencies and members of the public in touch with barristers who can, give **advice** - either in writing or in conference, represent applicants in any Court/Tribunal and assist with mediation free of charge.

**Bar in the Community** is a Bar Council-funded initiative, launched in October 2000, which aims to help voluntary sector groups by identifying barristers willing to serve on Management **Committees**. It is not asking barristers to provide free **legal advice**; however barristers have many other valuable skills, abilities and connections which will benefit voluntary organisations. The Bar Pro Bono Unit and Bar in the **Community** can be contacted during office hours at:

**Bar Pro Bono Unit**

The National Pro Bono Centre

48 Chancery Lane

London

WC2A 1JF

Bar Pro Bono Unit Tel: 020 7092 3960

Bar in the **Community** Tel: 020 7611 9511

Or email: [enquiries@barprobono.org.uk](mailto:enquiries@barprobono.org.uk)

Or fax: 020 7611 9505

Or visit the Bar Pro Bono website at [www.barprobono.org.uk/](http://www.barprobono.org.uk/)

Further useful sources of land use planning information and guidance can also be found on the following websites:

**The Welsh Government** is responsible for the development and implementation of the planning system in Wales and to ensure that it meets the needs of the people of Wales, it produces guidance on national planning policy (see page 43) and can be found at <http://wales.gov.uk/topics/planning/>

**The Planning Inspectorate** in the main deals with the processing of planning and **enforcement appeals** and holding inquiries into local **development plans** but it also deals with a wide variety of planning related casework including **listed building consent appeals**, **advertisement appeals**, and reporting on planning applications and can be found at <http://planninginspectorate.wales.gov.uk/>

**The Planning Portal** is a one-stop-shop for free planning information and services online including: 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 and can be found at [www.planningportal.gov.uk/](http://www.planningportal.gov.uk/)

**UK Planning** is a planning portal that puts people in touch with planning services throughout Wales, England & Scotland. The site allows you to browse for free planning advice written specifically for a region, search the database of real planning applications and to complete planning and building control application forms online. The site also includes access to a planning doctor, which form wizard and a fee calculator and can be found at [www.ukplanning.com/ukp/](http://www.ukplanning.com/ukp/)

**The Royal Town Planning Institute (RTPI)** exists to advance the science and art of town planning for the benefit of the public. The RTPI is a membership organisation, and a registered charity. Most of its members are fully qualified professional planners. Information about the institute can be found at [www.rtpi.org.uk/](http://www.rtpi.org.uk/)

**The Town and Country Planning Association (TCPA)** was founded by Sir Ebenezer Howard in 1899 and is Britain's oldest charity concerned with planning, **housing** and the environment. It campaigns for the reform of the UK's planning system to make it more responsive to people's needs and to promote **sustainable development**, putting social justice and the environment at the heart of the debate about planning policy, **housing** and energy supply and can be found at [www.tcpa.org.uk/](http://www.tcpa.org.uk/)

**The Planning Officers Society Wales** works closely with its partners in Wales, to deliver support to practising planners. Close relationships exist with The **Welsh Government** and the Welsh Local Government Association (WGA). The website is a good source of information on planning policy in Wales, has good links to related sites and can be found at <http://www.posw.co.uk/>

**Online Directory of Planning Consultants** is a leading source of information on chartered town planning professionals. You can use it for free to search for listings of planning consultants in Wales, their range of planning services, specialisms, biographies, hotlinks and information on other related sites and can be found at [www.rtpiconsultants.co.uk/](http://www.rtpiconsultants.co.uk/)

## 11.2 On topical and related issues

There are many agencies and organisations that can help with issues relating to land use planning such as regeneration, **design** and the natural and built environments including:

**Sylfaen Cynefin** can provide free initial **consultations** on urban and rural **design** matters, and assist with fundraising from specific projects. They offer professional services in architecture, landscape architecture and urban **design**, to **community** based groups including **community and**

**town councils** with any project from play areas to town evaluation strategies. They can be contacted during office hours at:

**Sylfaen Cynefin**

Salubrious Passage

Swansea SA1 3RT

Telephone number 01792 646467

Or email: [communitydesign@sylfaencynefin.org.uk](mailto:communitydesign@sylfaencynefin.org.uk)

Or visit the Sylfaen Cynefin website at [www.sylfaencynefin.org.uk](http://www.sylfaencynefin.org.uk)

**ProHelp** is a national network of over 1,000 professional firms who give their time and expertise for free to local **community** groups and voluntary organisations. Members of ProHelp include surveyors, architects, accountants, solicitors, public relations and marketing specialists, property consultants, engineers and IT consultants along with many others. In Wales, there are five ProHelp groups based in Cardiff, Ceredigion, Mid Wales, Swansea and North Wales. Member firms, undertake one-off projects, which can include feasibility studies, structural surveys, marketing and business plans, **legal** and accountancy **advice** and property valuations contributing to **advice** surgeries or entering into longer term partnerships within their local **community**.

Contact your local ProHelp to find out how you can get involved in your local community or to find out how you can benefit from support through:

**Business in the Community**

2nd Floor, Riverside House

31 Cathedral Road

Cardiff CF11 9HB

Telephone number 029 2078 0050

Or visit the ProHelp website at

<http://www.bitc.org.uk/wales/index.html>

Further sources of useful information and publications on issues that relate to town and country or land use planning matters can be obtained from the following agencies or organisations:

**One Voice Wales (OVW)**

24 College Street

Ammanford

SA18 3AF

Tel: 01269 595400

Website address:

[www.onevoicewales.org.uk](http://www.onevoicewales.org.uk)

**Welsh Government**

Planning Division

Cathays Park

Cardiff

CF10 3NQ

Tel: 0845 010 3300

Website address:

[wales.gov.uk/topics/planning/](http://wales.gov.uk/topics/planning/)

**Welsh Local Government Association (WLGA)**  
Local Government House  
Drake Walk  
Cardiff CF10 4LG  
Tel: 029 2046 8600  
Website address:  
[www.wlga.gov.uk](http://www.wlga.gov.uk)

**Public Services Ombudsman for Wales**  
1 Fford Yr Hen Gae  
Pencoed  
Bridgend CF35 5LJ  
Tel: 01656 641150  
Website address:  
[www.ombudsman-wales.org.uk/](http://www.ombudsman-wales.org.uk/)

**Development Trust Association Wales (DTA)**  
35b Albert Road  
Penarth  
The Vale of Glamorgan CF64 1BY  
Tel: 029 20 190 259/609  
Website address:  
[www.dtawales.org.uk/](http://www.dtawales.org.uk/)

**Citizens Advice Bureau Cymru**  
Quebec House  
Sutherland House  
Castlebridge  
Cowbridge Road East  
Cardiff CF11 9AB  
Tel: 029 2037 6750  
Website address:  
[www.adviceguide.org.uk/wales.htm](http://www.adviceguide.org.uk/wales.htm)

**The Environmental Law Foundation**  
Suite 309  
16 Baldwin's Gardens  
Hatton Square  
London EC1N 7RJ  
Tel: 020 7404 1030  
Website address: [www.elflaw.org/](http://www.elflaw.org/)

**Environment Agency Wales (EAW)**  
Tŷ Cambria  
20 Newport Road  
Cardiff CF24 OTP  
Tel: 08708 506506  
Website address:  
<http://www.environment-agency.gov.uk/default.aspx>

**Countryside Council for Wales (CCW)**  
Maes y Ffynon  
Penrhosgarnedd  
Bangor  
Gwynedd LL57 2DN  
Tel: 01248 385500  
Website address:  
[www.ccw.gov.uk](http://www.ccw.gov.uk)

**Campaign for the Protection of Rural Wales**  
Tŷ Gwyn, 31 High Street  
Welshpool  
Powys SY21 7DY  
Tel: 01938 5525/556212  
Website address:  
<http://www.cprw.org.uk/>

**Forestry Commission Wales**  
Victoria House  
Victoria Terrace  
Aberystwyth  
Ceredigion SY23 2DQ  
Tel: 01970 625866  
Website address:  
[www.forestry.gov.uk/wales](http://www.forestry.gov.uk/wales)

**The Wildlife Trust Wales**  
The Nature Centre  
Fountain Road  
Bridgend  
CF32 0EH  
Tel: 01656 724100  
Website addresses:

[www.wildlifetrusts.org/](http://www.wildlifetrusts.org/)  
[www.wildlifetrust.org.uk/gwent](http://www.wildlifetrust.org.uk/gwent)  
[www.wildlifetrust.org.uk/northwales](http://www.wildlifetrust.org.uk/northwales)

**RSPB Cymru**  
South Wales Offices  
Sutherland House  
Castlebridge  
Cowbridge Road East  
Cardiff CF11 9AB  
Tel: 029 2035 3000  
Website address:  
<http://www.rspb.org.uk/about/offices/wales/wales.aspx>

**The Royal Institute of Chartered Surveyors (RICS) Wales**  
7 St Andrews Place  
Cardiff CF10 3BE  
Tel: 029 2022 4414  
Website address:  
[www.rics.org/wales](http://www.rics.org/wales)

**Institute of Chartered Engineers (ICE) Wales**  
Suite 2, Bay Chambers  
West Bute Street  
Cardiff Bay CF105BB  
Tel: 029 2063 0561  
Website address:  
<http://www.ice.org.uk/nearyou/UK-Regions/Wales>

**The Royal Society of Architects in Wales (RSAW)**  
4 Cathedral Road  
Cardiff CF11 9LJ  
Tel: 029 2087 4753  
Fax: 029 2087 4926  
Website address:  
[www.architecture.com/Regions/AndInternational/UKNationsAndRegions/Wales/Contact.aspx](http://www.architecture.com/Regions/AndInternational/UKNationsAndRegions/Wales/Contact.aspx)

**Design Commission for Wales**  
4th Floor Building Two  
Caspian Point  
Caspian Way  
Cardiff Bay CF10 4DQ  
Tel: 029 2045 1964  
Website address: [www.dcfw.org](http://www.dcfw.org)

**Cadw Welsh Historic Monuments and Historic Buildings Council for Wales**  
Plas Carew  
Unit 5/7 Cefn Coed  
Parc Nantgarw  
Cardiff CF15 7QQ  
Tel: 01443 33 6000  
Website address:  
[www.cadw.wales.gov.uk/](http://www.cadw.wales.gov.uk/)

**Royal Commission on the Ancient and Historical Monuments of Wales**  
Plas Crug  
Aberystwyth  
Ceredigion SY23 1NJ  
Tel: 01970 627701  
Website address:  
[www.rcahmw.org.uk](http://www.rcahmw.org.uk)

**Civic Trust for Wales**  
3rd Floor Empire House  
Mount Stuart Square  
Cardiff CF10 5FN  
Tel: 029 2048 4606  
Website address:  
[www.civictrustwales.org](http://www.civictrustwales.org)

**The National Trust Cymru**  
Trinity Square  
Llandudno  
Conwy LL30 2DE  
Tel: 01492 860 123  
Website address:  
[www.nationaltrust.org.uk/visit/local-to-you/wales/get-in-touch/](http://www.nationaltrust.org.uk/visit/local-to-you/wales/get-in-touch/)

# THE NEW PLANNING SYSTEM IN WALES, 2005

