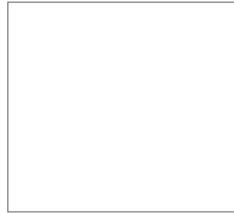


What to do when faced with a planning application in Wales

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A free guide for the general public



Produced by Planning Aid Wales

What to do when faced with a **planning application** in Wales



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What is this booklet?

The land use planning system can seem complicated. Many people do not know what to do when faced with a planning application for a new development in their community. An application might be for a house extension next door, a new school or even a motorway. How are planning applications made and decided? What rights do you have to make your views known? Which planning issues should you comment on, and how do you do it?

This booklet explains the main parts of the planning application process. It suggests ten ways for you to respond to a new application, and explains how to put forward your views in the best possible way.

The advice in this guide should be used selectively and according to your specific situation. The contents are correct at the time of publication, but planning law and practice continue to change over time. If in any doubt, you should seek up-to-date professional advice.

This guide is published by **Planning Aid Wales**, an independent charity working to increase public participation in planning, with funding from the **Welsh Assembly Government**.

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What is a planning application?

A planning application is a formal request to a local authority for planning permission. The application may be for proposed building or other structure, or to change the use of land or a building.

How is the application dealt with?

It usually takes up to eight weeks for a local authority to decide a planning application, but it can be considerably longer for major schemes. The authority can decide to grant (or approve) planning permission, or to refuse planning permission.

Any member of the public is allowed to comment on a planning application. All occupiers of properties which are next to or close to the application site have to be asked their views. The local authority should send a letter asking people for their comments, giving a minimum period of 21 days to respond – this is called the ‘consultation period’. Sometimes a site notice will also be put up close to the application site, or a notice placed in the local paper. All comments received within the consultation period are considered before the application is decided.

Did you know?

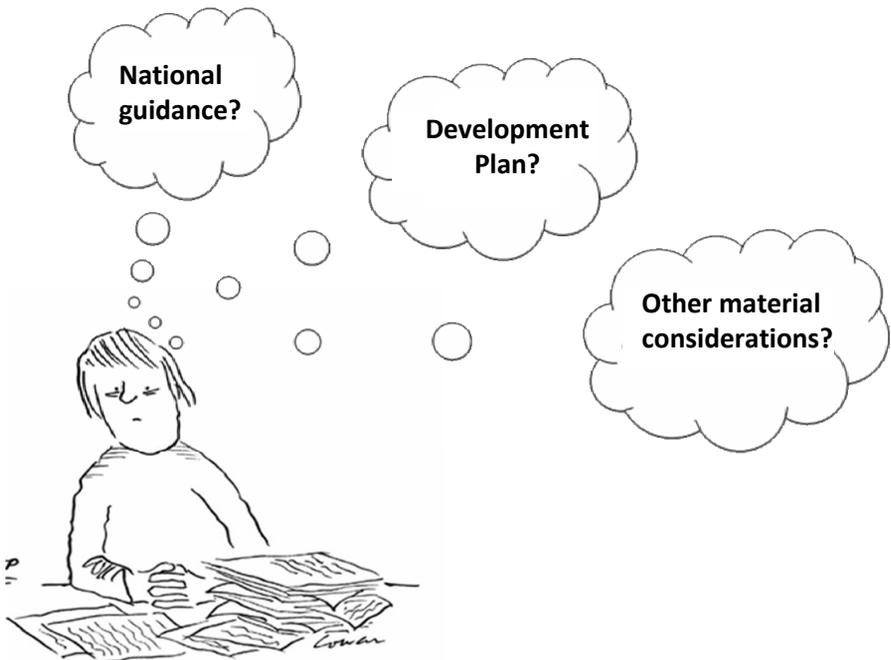
Planning Aid Wales is a charity providing free, impartial and independent planning advice to eligible people in Wales.

To find out more about our services, call 02920 485765, email info@planningaidwales.org.uk or visit www.planningaidwales.org.uk.

How is an application decided?

Local planning authorities decide planning applications by looking at three things:

- 1) National planning guidance, which is prepared by the Welsh Assembly Government.
- 2) Policies in the authority's current development plan for the area. The plan might be called a Local Plan, a Unitary Development Plan, or a Local Development Plan.
- 3) Other things which are relevant to the planning decision. These are called 'material considerations', and might include the planning history of the site, the likely effect of a development on road traffic, or a precedent set by existing development in the area.



Who decides the application?

The local authority planning committee is ultimately responsible for all local planning decisions. However, smaller planning applications are often decided by the authority's Head of Planning, who is usually given powers by the planning committee to decide some applications under a scheme of 'delegated authority'.

For all applications, a planning officer will prepare a report on the application and make a recommendation on whether it should be approved or refused, after considering all of the relevant issues (as shown in the diagram above). The application is then decided by either the authority's planning committee or its Head of Planning, depending on the terms of the scheme of delegated authority. You should contact your planning authority to find out more about its scheme of delegated authority.

Normally, a planning application takes up to eight weeks to be decided if it is 'delegated' to officers. However, an application can take longer to decide if it is to be decided by the planning committee, as committee meetings are normally held only once or twice a month. If the application is to be decided by planning committee, you have the right to see the planning officer's report up to three working days before the date of the committee meeting.

Did you know?

Only elected members of the council, or the chief planning officer using 'delegated powers', can approve or refuse a planning application. The planning officer makes a 'recommendation' to approve or refuse – he or she does not actually make the final decision.

The planning application process is covered in more detail in the Planning Aid Wales publication '*A public guide to the land use planning system in Wales*'.

Ten things you can do when faced with a planning application

It is important you make sure your views are heard on a planning application which might affect you. We suggest ten things for you to concentrate your effort on. Obviously, the advice given should be used selectively to suit your circumstances.

Ten things to focus on:

- 1.** Find out about the application
- 2.** Look at the application
- 3.** Contact the planning officer
- 4.** Build local support
- 5.** Contact your county councillor
- 6.** Contact your AM / MP
- 7.** Use the local media
- 8.** Preparing your comments
- 9.** Speaking at committee
- 10.** Rehearsing what to say

1. Finding out about the planning application

You can find out about a new planning application by:

- hearing about it from a neighbour or friend;
- receiving a letter from your local authority;
- seeing a public notice in the local newspaper;
- seeing a notice posted up on or near the site;
- seeing a list of recent applications in the local library;
- looking at the planning register at your authority's planning office - this shows all the applications submitted;
- looking at the weekly list of current planning applications - this can usually be found on your authority's website.

Did you know?

Planning authorities often only send consultation letters to neighbouring properties that are right next to the application site.

The authority does not have to send a letter to neighbouring properties. If it doesn't though, there must be a site notice on or near the site.

Most authorities do write to neighbours and other local people as a matter of courtesy.

2. Looking at the application

Having heard about a planning application that might affect you, you should find out more. The best way to do this is to look at the actual application form and plans – they help explain what is being proposed and how it is likely to affect you.

Ideally, if you have the time, you can visit the planning offices of your authority. When there, you should aim to:

- look at all the application forms, plans and drawings, consultation letters, etc. If you cannot get to the office, a copy of the forms and drawings should be available for a small charge to cover copying and postal costs. Some authorities have details of all current applications on their website, while others may send details of the application to you by email if you ask.
- find out the reference number of the application, the name and address of the person or organisation applying for permission, what is being applied for, and the name of the planning officer dealing with the application. Getting this information now will save time later, and it also helps the planning department to find any additional information you may need later on.
- find out about the timetable for dealing with the application. The authority should try to deal with the application within eight weeks, unless the person making the application has agreed to extend the time. You should find out the likely date of the planning committee meeting which will decide the application, and also the deadline date by which comments must be received.
- find out if the application will be decided by an officer (under 'delegated powers') or by planning committee.
- ask about any previous planning permissions or refusals on the site or on nearby land.

- ask for details of the development plan policies that will be used to decide the application. The development plan will either be a Local Development Plan, a Unitary Development Plan or a Local Plan - it depends on which authority area you are in. Sometimes, an authority will use an unfinished development plan to decide applications – find out if this is the situation in your area. The authority’s development plan is always available for the public to view at the planning office or on its website. You can also buy a copy.
- ask to see any other planning policy documents (such as a conservation area statement, planning standards, or design guidance) which might be relevant. This will be useful when you are preparing your comments.

If the people making the application are your neighbours, try to discuss the proposals with them. This is important if you wish to remain on good terms.

3. Contacting the planning officer

One particular planning officer is usually responsible for dealing with an application. You can find out the name and contact details of the officer by visiting or telephoning your authority’s planning department. The officer should be happy to arrange a time to discuss the application with you, and will try to answer any questions you may have about what is being proposed.

If you have not been able to find all the information you need at the planning office, the officer should be able to fill in any gaps. Please do remember though that it is unreasonable to expect the officer to tell you whether he or she expects to recommend approval or refusal. For most applications, there are a range of issues to consider and different organisations need to give their comments before a decision is made. The officer can not make a ‘recommendation’ to approve or refuse an

application until all comments, including those from members of the public, are received.

4. Building local support

If you want to raise awareness locally about the application and rally support for your views, you should think about:

a) Speaking to your neighbours

Some of your neighbours may not know about the planning application. Discuss the main issues with them and see if they are prepared to work with you to develop a local response to the application.

b) Speaking to your local community or town councillor

Your community or town council is invited to give its views on every planning application in their council area. It is therefore a good idea to contact your local community or town councillor(s) to let them know your views. They may be able to offer further advice and support.

c) Arranging a public meeting

When facing an application for a larger scheme, you might decide to call a public meeting in a local community centre or village hall. It is important to give local people as much notice as possible of the date and time of the meeting. And do remember that public meetings can be difficult to keep on track – an agenda prepared before the meeting will help. Ideally, the meeting should aim to agree about the things local people like and dislike about the proposed scheme.

It is important that someone takes notes to make sure all the points raised are remembered. You should also nominate someone as an independent chairman to make sure the meeting runs smoothly and

that everyone gets a chance to contribute their views. If there is enough local support, you may choose to set up a committee or action group.

d) Organising a petition

A petition can be an effective way of demonstrating local public support for or against an application. Your petition should include a covering letter which clearly explains what the people who have signed up are for or against. Remember that your petition should include the address of each person who signs.

e) Preparing a template letter

Many people do not have the time or skills to write a letter to comment on the application. But they may be willing to sign a copy of a 'template' letter prepared by someone else (you!). Remember that for the letter to be valid, it must include the sender's name, address and signature.

5. Contacting your county councillor

Your county councillor is elected to serve the interests of local people. He or she will be interested in any new planning application which is likely to affect the community. You can ask your councillor to pass on your comments and views to other councillors. You can also ask whether they are prepared to support your cause, or to vote for or against the application.

Remember that councillors who are on the authority's planning committee have to declare an interest in applications they have a connection with, or an interest in. If committee members are to take an active role in deciding the application at committee, they should not express a public view on the proposal before the meeting. So if your councillor is a member of the planning committee, we advise you to try and get the support of an additional councillor who is not on the

planning committee. He or she is allowed to put your case to the committee meeting.

6. Contacting your AM / MP

Assembly Members and Members of Parliament have no direct control over planning decisions made by your local authority. But they are your elected representatives, and you should contact them if you think an application is likely to have a big local impact. They may be prepared to write a letter supporting your position.

You can find out who is your local Assembly Member by visiting:

www.assemblywales.org/memhome/member-search.htm

You can find out who your local Member of Parliament is by visiting:

www.upmystreet.com/commons/

For major applications you could consider writing to the Assembly Government Planning Division asking them to consider 'calling in' the planning application. More information about call-in can be found at <http://new.wales.gov.uk/topics/planning/developcontrol/callins/?lang=en>

If the Assembly does decide to call-in an application, it is taken from the local authority, a Public Inquiry is held, an independent Inspector makes a recommendation, and the final decision is made by the Assembly Government.

Contact details for the Assembly Government:

Planning Division,
Welsh Assembly Government,
Cathays Park,
Cardiff, CF10 3NQ,
Telephone 029 2082 3878 (South Wales) or 029 2082 3879 (North Wales)

7. Using the media

If you think that an application is important enough, you might think about getting the local press involved. Before doing anything though, do remember to spend time thinking about what you want from the coverage, and then about how you should go about getting it. Always try to present your views in a way which will not alienate other community groups or the council.

If you do decide to involve the press, here are some basic rules:

1. Make one person from your group a spokesperson for speaking to the media. This will make your message clearer and more consistent.
2. Prepare your press statements in advance and make sure they are short and accurate. Do not use personal remarks or make allegations. Try to be as positive and upbeat as possible.
3. Explain your concerns about the proposal clearly, and try to make points which are relevant to the key planning issues.
4. Media coverage of an application can have a big influence on the way both the council and developer react to your objections, so please do tread carefully!

8. Preparing your comments

Probably the most important piece of advice in this booklet is to make sure your comments and objections on the application are relevant to the planning issues. Your comments must be submitted in writing to your authority's planning department (contact details are given in the consultation letter, site or press notice) within the specified consultation period. You must include your name and address on the letter.

State your concerns as clearly as you can, using the following points as a guide:

1. **Make relevant comments:** Planning decisions are made according to a range of policies contained in the Local Development Plan and other planning documents. Look at these documents and try to find the policies that are relevant to your concerns – for example: *'I think the application should be rejected because the proposal does not respect policy X, Y and Z'*.
2. **Keep comments brief:** State your points as clearly and as briefly as possible. Short bullet points are much more likely to be read and noticed than endless paragraphs.
3. **Structure your letter:** Think about the main points you want to get across, and then group them together according to common themes. Keep your comments on similar issues like site access, traffic flows and car parking together in the same section. Other possible issue areas are the effects of the proposal on the local environment (eg. noise, pollution etc), the design and materials to be used, and impact on wildlife and trees.

Did you know?

You can submit comments on a planning application after the 21 day consultation period has ended. However, once the period is passed the planning authority is able to make a decision on the application. If you do submit comments after the 21 day period, your comments may not be considered, particularly if you send them in on the day the decision is made.

9. Asking to speak at planning committee

Some local authorities allow the public to speak to councillors in the planning committee meeting. Contact your authority to see if this option is available in your area, and find out early what you have to do to register. Usually you need to register at least three working days before the meeting, and you will only get a precious few minutes to speak. In some authorities, you can only speak at committee if a petition with a stated minimum number of names has been submitted. Your local planning department office will be able to advise you of the rules.

If you do intend to speak at planning committee, you should get hold of a copy of the officer's report on the application as soon as possible. This will give you notice of any new points raised, and allow you to prepare your response. Application reports are usually publicly available three working days before the committee meeting.

Did you know?

The planning department does not have to inform you of the date the planning application is to be considered at committee. If there is any doubt, keep in regular contact with the planning department so you do not miss it.

10. Preparing what you are going to say

Three to five minutes is a very short period of time to explain your entire case. If you are going to speak at planning committee, remember that your written comments have already been submitted in full, so you should just summarise the key points for the meeting.

Start preparing what you are going to say well before the meeting, and then time yourself while saying it out loud. This will identify any problems with what you intend saying, make sure you can fit everything in, and help build your confidence for the day.

What happens next?

The application can be decided in a number of different ways. It can either be:

- a) Approved, usually with conditions attached
- b) Refused, with reasons for refusal
- c) Deferred, to allow the planning committee to see the site for themselves. The decision will then usually be made at the next meeting after a site visit.

Once the decision is made, the 'applicant' (the person making the application) is sent an official 'decision notice' informing them of the authority's decision. You may also be told about the decision by letter from the planning authority. Be sure to get hold of a copy of the officer's report and decision letter in any case – they may be useful in the future.

1. **Approved:** If the application was approved against your wishes, you do not have a right to appeal against the decision. But if you believe that the decision was not made fairly, you can make a formal complaint to the authority. If after the authority has dealt

with your complaint you are still not satisfied, you can consider making a complaint to the Public Services Ombudsman for Wales.

If you believe that the planning authority has broken the law in making the decision, you can challenge the decision in the High Court, a process called 'judicial review'. This process must be started within six weeks of the decision notice being sent out. Extreme caution is needed here as judicial review can be very expensive – you should seek legal advice before taking any action.

If you need more information about any of these issues, please contact Planning Aid Wales

2. **Refused:** If the application is refused, you do not have a right to appeal, but the applicant does. If you agreed with the decision to refuse an application, and the applicant appeals against the decision, you will be given another chance to comment during the appeal process.
3. **Deferred:** If a decision on the application was 'deferred' until after a site visit, members of the public will usually be allowed to attend. However, do remember that committee members are simply viewing the site and not making a decision. Some authorities do not allow comments from the public whilst the visit takes place. The period of time between the application being deferred and it going back to committee a second time can be very valuable - submit further comments at this point if you think it is necessary. The application will usually be decided at the next committee meeting.

Further information and links

Planning Aid Wales

Planning Aid Wales provides free information and advice on the land use planning system to eligible individuals and community organisations. A telephone helpline service is available from 10am to 1pm, Monday to Friday.

Helpline: 02920 485 765

Website: www.planningaidwales.org.uk

Email: info@planningaidwales.org.uk

Address: Planning Aid Wales
Suite 1, Bay Chambers
West Bute Street
Cardiff CF10 5BB

Online planning guidance

The Welsh Assembly Government has prepared a variety of guidance documents on planning issues in Wales. These are available from: <http://wales.gov.uk/topics/planning/policy>

Planning Inspectorate

For more information about planning appeals, you can contact the Planning Inspectorate for Wales:

The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ
Telephone: 02920 823 866
Fax: 02920 825 150

Website: www.planning-inspectorate.gov.uk/

Email: wales@planning-inspectorate.gsi.gov.uk

Public Services Ombudsman for Wales

If you think that your planning authority has not dealt fairly with a planning matter, and you have already pursued a complaint through the authority's official complaints procedure, the Public Services Ombudsman for Wales may be able to help:

Public Services Ombudsman For Wales

1 Ffordd yr Hen Gae

Pencoed

CF35 5LJ

Telephone: 01656 641 150

Fax: 01656 641 199

Website: www.ombudsman-wales.org.uk