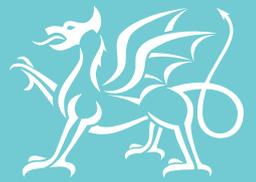# Study to Examine the Planning Application Process in Wales

Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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Executive
Summary

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Executive Summary

Introduction and Methodology

1 The planning application process is the main tool in the approval or refusal of proposals for development in the UK. In September 2009, the Welsh Assembly Government commissioned research into the operation of the planning application process in Wales. The project spanned all stages of the process and focused on the role it can play in fostering sustainable economic recovery.

2 The research exercise was carried out between September 2009 and April 2010 and was based on:

- A questionnaire sent to all 25 Local Planning Authorities (LPAs) in Wales;

- A series of Focus Groups involving representatives of the public, private and third sectors from across Wales; and

- The use of case studies and "practice pointers" to examine how particular issues were being handled or how problems were being overcome.

3 The study also drew upon extensive existing research from Wales and elsewhere, together with the intelligence of a range of agencies and individuals with experience of the application process, in particular from the independent Research Steering Group made of representatives from the private, public and third sectors.

4 The report is divided into two sections. The first records the key findings on the current operation of the application process and the issues it is facing. The second identifies measures that can make a rapid, meaningful and positive difference to the performance of the process and the decisions it makes.

Research Findings

LPA Questionnaire

5 The LPAs are the key decision making bodies within the Welsh planning system. They have responsibility for registering, processing and determining the majority of planning applications made within their areas. As a result, understanding their opinions of the system and how it might be reformed was therefore essential to the research.

6   The questionnaire examined how each LPA approaches the application process, the resources available to them and the challenges and pressures they face. It also looked at how they are responding to those challenges and how the system might be reformed or improved.

7   The questionnaire discovered significant variation between LPAs in terms of their workload and their operation of the application process (especially at key stages). Differences extended from pre-application and validation to decision-making and the discharge of conditions. There was also significant difference in the resources available and there is little common measurement of success or satisfaction with the service that the authorities are providing.

8   Despite this variation, common issues were identified from the responses:

- The importance of strong leadership to a successful application process.

- Concern about increasing range of responsibilities being placed on the system and the policy and guidance that goes with them.

- Conduct and composition of planning committees.

- The need to simplify the system and make it more proportionate.

- Concern with the quality of applications that were made.

9   Although respondents to the questionnaire clearly felt that there was significant room for improvement in the operation of the planning application process there did not appear to be a widespread appetite or identified need for fundamental reform.

Focus Groups

10   Focus Groups were held in Cardiff and Conwy and included organisations and individuals from across Wales. Sessions were held for planning consultants, business groups, environmental groups, statutory consultees, community groups and professional bodies.

11   The sessions discovered two key positions. The first was that the application process was fundamentally sound (but required adjustment). The second was that the process was approaching failure- it was too slow, too complex and too onerous in its requirements. However, the key issues identified by the groups were broadly similar regardless of the basic position taken (and the wide range of views expressed). These focused on:

- The consistency and reliability of the system – especially at critical early stages whilst applications are being considered or for specific requirements - this was a key focus for change.

- As for the LPAs, the increasing complexity of the planning system (and the increasing burden on it is causing major stress for all concerned).

- The role of the Assembly Government – including the need for strong and clear advice on key issues and stages.

- A better more focused role for the statutory consultees together with a system more able to consider a wider range of issues.

- The need for positive and proportionate decision making and a deeper appreciation of the responsibilities of all involved in the process.

- The need for LPAs to be more responsive and to plug gaps in understanding by sharing resources and expertise through better cross boundary working.

Key Objectives and Themes for Reform

12   The findings of the research demonstrated that the planning application process is under stress. Although there was a basic consensus that the process itself remains a fundamentally fair mechanism for decisions on new development, very few are happy with its operation or impact,

13   The organisation and operation of the process drew most criticism. Many of the concerns were rooted in the increasing responsibilities being placed on the system, combined with the lack of resources to deal effectively with these. In some places this is causing a breakdown in the relationship between applicants and authorities and this could in turn discourage economic development. The unpredictability of the system and the impact this has on planning prospects and costs, together with the absence of (in some areas or topics) of the scope for flexibility in the implementation of national or local objectives were also key and common concerns. These findings informed three basic objectives for reform:

- managing complexity (on the basis that this will not go away);

- reducing uncertainty and increasing consistency between LPAs; and,

- increasing responsiveness to national and local policy objectives – and especially to the needs of businesses.

14   These objectives give the review three basic themes. The first is to develop a **better understanding** between key stakeholders of their respective positions and the impacts of decisions and requirements. The second theme is to **change the culture or starting point to decision making** on planning applications. The final theme is to **improve the operation** of the process at key stages.

Recommendations

15   A series of recommendations are made under each of these three themes and the concerns and issues that lie behind them.

Better Understanding Recommendations

16   Good relationships are critical to the operation and performance of the planning application process. Two key areas have been identified where action is required. The first is the relationship between the delivery of sustainable and valuable economic development and the planning process and the second is between the Welsh Assembly Government and users and managers of the application process. The set of recommendations focus on improving these relationships.

17   **Recommendation 1** is for a new Policy Statement from the Assembly Government stressing the priority to be attached to the promotion of sustainable economic development and the importance of supporting the growth of Small and Medium Enterprises (SMEs).

18   **Recommendation 2** sets out measures to make the system more responsive to business. These include improving communication between business organisations and the LPAs and producing a new guide for businesses and their interaction with the application process. The establishment of a consultee to represent business and economic development interests and improve the integration of the needs of SMEs into planning policy at both national and local level is also recommended.

19   **Recommendation 3** is that the scope and content of Design and Access Statements (a mandatory requirement for many applications) should be clarified. Consideration should be given to relaxing the trigger for their requirement for all types of development.

20   **Recommendation 4** concerns the nature of policy guidance that is issued by the Assembly Government and asks for a more inclusive approach that

involves stakeholders on both sides of the application process before new requirements are introduced.

21   **Recommendation 5** responds to concerns regarding the extent and scope of change that has taken place within the planning system in recent years by suggesting that (apart from recommendations made within this review) there should be pause on the introduction of further requirements or guidance.

Changing Culture Recommendations

22   To address the issues identified by the review, cultural change should focus on three key areas – refreshing the basic approach to development and its management; examining the process of consultation and improving the ways in which the application process is delivered on the ground.

23   **Recommendation 6** is for a new policy statement on development management, which will encourage a collaborative and responsive approach to development proposals. This could continue in the form of a new version of the draft Technical Advice Note 17 (issued in 2007).

24   **Recommendation 7** proposes a review of statutory and non-statutory consultation processes, examining the potential to develop procedures that are more focussed and more standardised as well as examining the number of statutory consultees (and whether the influence of consultees on decision-making is always appropriate and proportionate).

25   **Recommendation 8** is that a best practice note should be issued on the delivery of effective development management functions within LPAs. This would focus on the need to establish efficient, customer focussed and resource efficient organisational structures.

26   **Recommendation 9** is for the production of a guide for LPAs on the organisation of planning committees, focussing on standardising procedures between LPAs, measures to improve performance (including mandatory training for members) and the introduction of cooling-off periods where decisions go against the advice of officers.

Improving Operation Recommendations

27   To address the key issues raised by practitioners, improving the operation of the system focuses on six key areas to make the system more consistent, more proportionate and more effective:

- Reducing the number of applications.

- Unifying and improving pre-application advice and procedures.

- Simplifying and unifying validation protocols.

- Improving e-planning and the Planning Portal in Wales.

- Creating central pools of expertise for key issues and encouraging joint working.

- The implementation of permissions (and the use of conditions).

28   **Recommendation 10** is to extend Permitted Development rights (building on proposals made by the CLG with respect to England) and for the Use Classes Order to be amended. The working assumption is that this would reduce the number of small scale applications, allowing LPAs to concentrate time and resources on the most important applications.

29   **Recommendation 11** is for a more practical and consistent approach to minor amendments to approved schemes (so that no new application is required for appropriate changes).

30   **Recommendation 12** is that a best practice guide should be produced to provide advice on the scope and format of pre-application discussions.

31   **Recommendation 13** is for the introduction of a standard approach to the validation of planning applications starting with a list of national requirements.

32   **Recommendation 14** concerns the use of electronic planning services and seeks to encourage increased use of the Planning Portal for the submission of applications and the e consultation hub. Improvements to the provision of electronic information by LPAs (including the introduction of minimum standards) are also suggested.

33   **Recommendation 15** seeks to encourage greater sharing of expertise within Wales, through the creation of a centralised panel of consultants or through the use of regional centres of expertise in specific areas such as infrastructure, waste and minerals and energy. A centre of planning excellence for Wales is a further way of capturing and transferring the substantial experience and expertise available

34   **Recommendation 16** is that clear guidance should be issued on the content and use of planning conditions to encourage a more standard approach (especially for conditions which need to be satisfied before development can begin).

Conclusions and Next Steps

35   The key message from the research is that, whilst basically sound, the planning application process in Wales is currently in need of significant improvement if it is to be effective in supporting sustainable economic growth. The recommendations set out within the report therefore go to the heart of the planning application process but focus on its practical operation rather than legislative base.

36   The Assembly Government will be the key agency in taking forward the recommendations set out within the report. However, a collaborative approach is envisaged and delivery partners have been identified (including business groups, professional bodies and statutory consultees) with respect to each of the recommendations.

37   Priority should be given to recommendations, 1, 3, 5 and 13. However, each of the proposed changes will make a significant and positive difference to the operation of the system and deliver a more consistent planning service across Wales. This change is needed if the application process is to contribute most substantially to sustainable and valuable economic recovery.