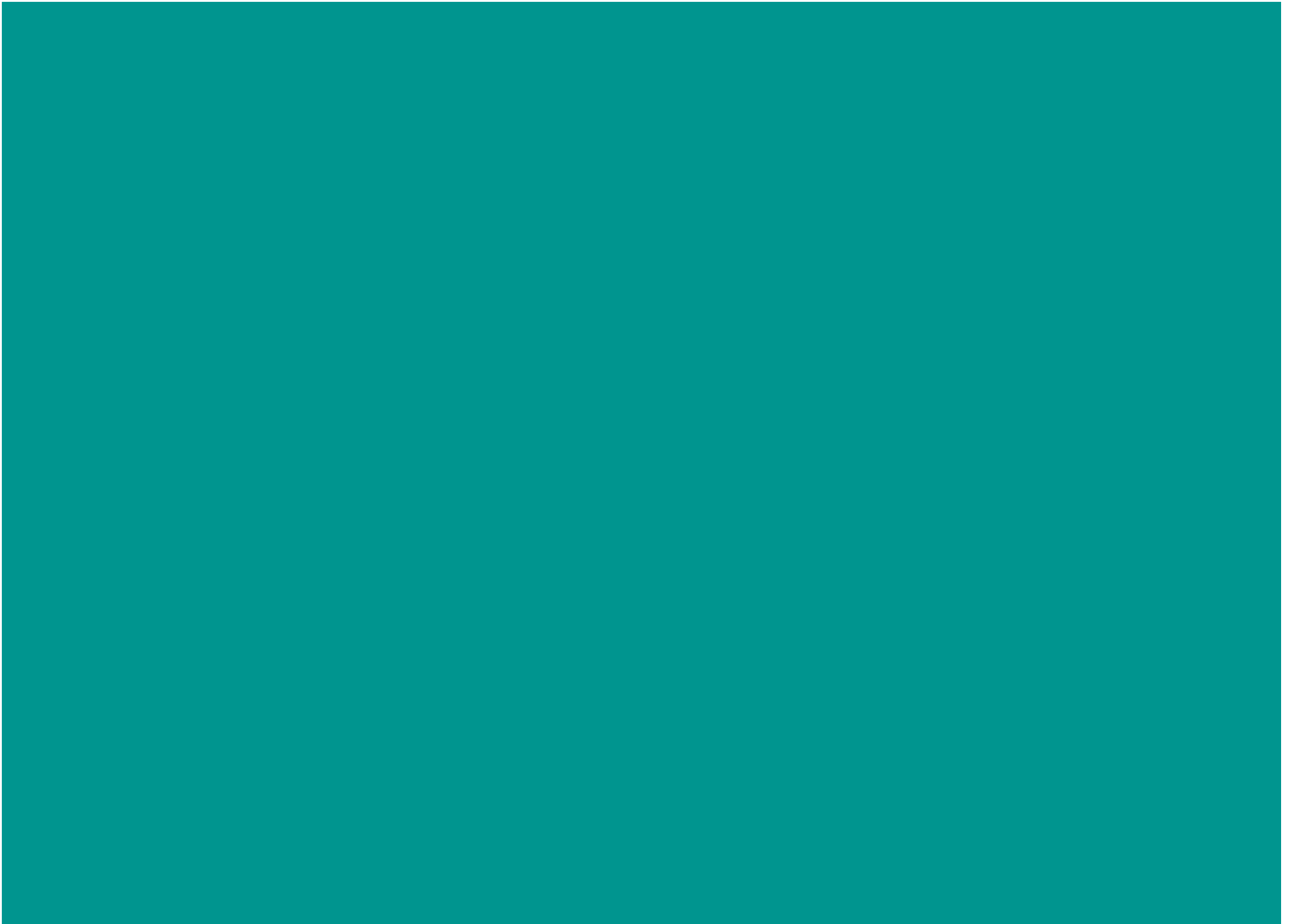




The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Developments of National Significance

Appendix 8. Feedback and Complaints



Appendix 8: Feedback and Complaints

How we handle complaints

- 8.1 There is no right of appeal against the decision of Welsh Ministers to grant or refuse to grant planning permission for a DNS.
- 8.2 The Inspectorate cannot change a decision nor the Inspector's report. However, the Inspectorate does try hard to ensure that everyone who uses the DNS application process is satisfied with the service they receive.
- 8.3 Complaints concerned specifically about the Welsh Ministers decision should be addressed directly to The Planning Directorate of Welsh Government.
- 8.4 All complaints or requests for clarification are handled by the Quality team. They will reply as soon as possible in clear, straightforward language, avoiding jargon and complicated legal terms.
- 8.5 The Inspectorate can be contacted by email, post, or phone. All correspondence will be acknowledged, and a timescale for replying will be provided. The Inspectorate aim to reply to 80% of all correspondence within 20 working days.

How we investigate complaints

- 8.6 There is no time limit in which complaints must be made, but it would be expected for them to be made promptly once the reason for the complaint becomes apparent.
- 8.7 Whilst the Inspectorate can deal with complaints at any time, our ability to do so thoroughly may be restricted if the file has been destroyed, and the recollections of the people concerned will naturally fade over time. In such circumstances, complainants will probably need to send us documents to support their complaint.
- 8.8 It is the job of the Quality team to investigate complaints about procedure, administrative decisions or an Inspector's conduct. All complaints are investigated impartially and as thoroughly as possible.
- 8.9 Sometimes complaints arise due to misunderstandings about how the DNS system works. When this happens we will try to explain things as clearly as possible.
- 8.10 It is very important to understand that an application cannot be re-opened to re-consider its merits or add to what the Inspector has said in their report or what the Welsh Ministers have said in their decision. We will however do our best to clarify things, if it is necessary and possible.
- 8.11 Sometimes a complaint is not one we can deal with, in which case the Inspectorate will explain this and suggest who may be able to deal with the complaint instead.

Developments of National Significance

- 8.12 Similarly, the Inspectorate cannot resolve any issues someone may have with the LPA about the planning system or the implementation of a planning permission.
- 8.13 If the complainant considers that the reply has not adequately responded to their concerns, the policy of the Inspectorate is that a senior manager will review their complaint and send a final reply.

Who is responsible for monitoring a development?

- 8.14 If planning permission is granted by Welsh Ministers on a DNS application, the LPA has the sole responsibility for monitoring the implementation of the permission and ensuring that it is in accordance with the plans and any conditions.
- 8.15 If the local planning authority considers that the development does not comply with the permission, they have the power to take enforcement action.
- 8.16 Complaints and responses to the Inspectorate are one way of helping to improve the DNS system.
- 8.17 If a mistake has been made, the Inspectorate will write to apologise and explain what has happened. If lessons can be learned from the mistake, changes will be made, so that similar errors can be avoided in future.
- 8.18 Remedies may include:
- an apology, explanation, and acknowledgement of responsibility;
 - remedial action which may include: reviewing service standards; revising published material; revising procedures to prevent the same thing happening again; training or supervising staff; or any combination of these.

Role of the Ombudsman

- 8.19 The Public Services Ombudsman for Wales can investigate complaints of maladministration against Government Departments or their Executive Agencies. Normally the Ombudsman will not investigate a complaint:
- unless the complainant has followed our complaints process completely and is still not satisfied with our replies; or
 - if there is a legal route that can be followed to challenge a decision.
- 8.20 For DNS applications, there is a legal route to challenge a decision.
- 8.21 Even if the Ombudsman does decide to investigate a complaint the Ombudsman cannot change the Welsh Minister's decision.
- 8.22 You can contact the Ombudsman at:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae,

Developments of National Significance

Pencoed
CF35 5LJ

phone: 0845 601 0987

e-mail: ask@ombudsman-wales.org.uk

website: www.ombudsman-wales.org.uk