

RTPI Cymru



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wales@rtpi.org.uk

7th April 2010

Tim Gent
GVA Grimley Ltd
One Kinsway
Cardiff
CF10 3AN

Dear Tim

Response to Draft Final Report: Study to Examine the Planning Application Process in Wales

Thank you for the opportunity to respond to the above. The Royal Town Planning Institute (RTPI) is a membership organisation representing over 22,000 spatial planners; RTPI Cymru represents the interests of almost 1,100 members in Wales. It exists to advance the science and art of town planning for the benefit of the public.

This document responds to the invitation for comments on the Consultation Draft of the report: Study to Examine the Planning Application Process in Wales. The response has been formed following consideration by RTPI Cymru's Policy and Research Forum.

The Forum welcomes the opportunity to comment on the study which it regards as a vital piece of work. It is essential that the planning application system in Wales is efficient, effective and is able to perform its intended role i.e. give people a real say in shaping the places where they live and work and ensure that sustainability is at the heart of decisions.

Planning is currently operating in a difficult economic climate, the repercussions of which are likely to be felt for many years to come. In addition environmental need and climate change effects are also of a paramount importance. The planning system must be in a strong position to be able to respond to both of these issues for the benefit of the public and communities.

In general, the Forum feels that the complexity of the planning application process has not been addressed through the report and its recommendations, nor have the recommendations directly addressed the identified themes.

A comment running through the paper also relates to the risk and perceived risk, associated with different parts of the system. There needs to be a better understanding of the different levels of risk associated with the various stages and the scale of the project. A more realistic approach to risk, could lead to a reduction in the demands made for smaller scale applications and on consultees. For example, risk assessment of proportionate levels of information required in associated submission documents.

It would be useful to set out what the expected outcomes from the recommendations proposed in the report will achieve. What does planning achieve, what are the outputs from an efficient system?

Head Office: Royal Town Planning Institute 41 Botolph Lane London EC3R 8DL

Tel +44 (0) 20 7929 9494 Fax +44 (0) 20 7929 9490 Email online@rtpi.org.uk Website www.rtpi.org.uk

Registered charity number 262865

The Forum would like to see more analysis of the partners proposed against each recommendation, as the current pattern does not seem to have justification.

More detailed comments regarding the recommendations have been made on the attached paper.

I trust you find the Forum's comments helpful but do not hesitate to contact me should you require any further clarification.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Willmott', with a stylized flourish at the end.

Roisin Willmott
National Director
RTPI Cymru
PO Box 2465
Cardiff / Caerdydd
CF23 0DS
e-mail / e-bost: roisin.willmott@rtpi.org.uk

RTPI Cymru Response to Draft Final Report: Study to Examine the Planning Application Process in Wales

Theme 1: Improving Understanding

The Forum supports the need to improve understanding of all parties involved with the planning system.

Recommendation 1:

The Forum supports the need identified for updating the planning policies regarding the economy and that these policies should be consistent across all Welsh Assembly Government policy relating to the economy. The policies should promote economic development which is sustainable in the complete sense i.e. economic, social and environmental.

There needs to be an understanding that planning is being expected to deliver on policies from other fields, some of which it is not set up to deliver on. Any new policy development must guard against this.

The partners identified for this element in developing economic development planning policies are not the appropriate agencies; we would recommend inclusion of those with an expertise in planning practice and policy.

Recommendation 2:

The Forum believes this is where the issues relating to a constructive and efficient 'service' to business needs should be covered, rather than under Recommendation 1; this will overcome the confusion between a responsive service to business and planning policies to address the economy, which the Forum feels is currently confused.

We would also suggest that there needs to be recognition that business needs to be responsive to planning. If provided with clear and understandable guidance, business should be expected to prepare for and respond to the requirements of the planning system. The poor quality of applications submitted to LPAs is often the cause of delay in the process.

With regard to partners listed against Recommendation 2b, we would also recommend the inclusion of the National Farmers Union of Wales (NFU Cymru).

Recommendation 3:

The Forum acknowledges that the introduction of Design and Access Statements (DAS) in Wales is having some teething problems and the timing of this study has influenced the level of comment on these statements. The report does not explore why the DAS are perceived to be posing a problem and this should be assessed to support the recommendation.

There is increasing concern amongst practising planners in both LPAs and in the private sector, and amongst other built environment practitioners about the differences in interpretation of what is required to formulate a valid DAS.

RTPI Cymru is therefore working with POSW to develop good practice particularly in the validation stage of applications, which is where these inconsistencies appear to be occurring.

The Partners on recommendation 3 ought to include the RSAW.

Theme 2: Culture

The Forum supports the need for a change and a move to adoption of the culture required for a move to effective Development Management. This culture change is required by all involved with the system and is not a focus purely on LPAs, although they are pivotal.

Recommendation 6:

RTPI Cymru would recommend a complete review of the draft TAN 17, so that it truly starts from the perspective of the culture and purpose of Development Management rather than being guidance on Development Control. The Forum does not believe that a policy statement is required for this.

The Forum also recommends that the TAN address professionalism of the process by all involved. Recognition that the complexity of the process needs to be embedded and that those

involved should be appropriately professionally qualified and be signed up to professional standards. Whilst a new system of self-certification of those submitting applications could be established, RTPI Cymru would strongly promote the universal recognition of MRTPI status as professionals who are qualified and are regulated through a professional code of conduct to appropriately act as agents for planning applications, particularly significant economic development schemes.

Recommendation 8:

The Forum believes that some of this can be dealt with through guidance under a new TAN 17, involving representatives from Local Planning Authorities (LPAs).

It would be helpful to develop expected timelines for different scales of projects and a standard project management process.

The Forum would also recommend recognition of the need for project management skills in determining applications. As a general point there should be increased access to skill development opportunities in Wales specifically tailored to the needs of the planning system, including generic skills.

The Forum would recommend the development of short (single sheet) explanations of the process for applicants and consultees so they understand the process before it is which is underway.

Recommendation 9:

This recommendation is based on a single study at a particular point in time and the Forum would therefore like to see more evidence to support the recommendations.

There needs to be reference made to Committee's understanding and use of the development plan when arriving at decisions. LPAs should be required to carry out periodical reviews of decision made by Planning Committees recording instances where Members make decisions which are against officer recommendation and indeed their own adopted policies and guidance.

The Planning Advisory Services (PAS) in England has developed some useful materials to support effective Councillor engagement in the process, including the need for clear guidance and policies.

Theme 3: Operation

Culture, covered by the previous theme provides the setting required for the effective operation of the planning system.

The importance of national planning policy and the development of sound local policies and their importance must be acknowledged and understood by those taking forward the planning application system; the two parts are intrinsically linked. The current practice by some LPAs to have the Development Control / Management service managed entirely separately to the policy service weakens the effectiveness of the application of spatial planning.

Recommendation 10:

The Forum supports this recommendation as a logical way to reduce the numbers of small applications with limited risk being dealt with by officers and thereby taking up resources which could be directed towards more significant applications.

Recommendation 11:

The key point on minor amendments is that there needs to be a consistent approach across LPAs.

Recommendation 12:

The Forum would suggest that a guide with short points is required for this; not a lengthy document.

The Forum has concerns over pre-application advice. Whilst the Forum supports the principle of this service, which can offer a proactive approach to supporting applicants; this does depend on the reliability of Committees and the seniority of the responding planning official; does the advice increase certainty, which is a key issue for applicants.

There also appears to be a difference in the partners contained in the Recommendation to that listed below. The Forum would recommend that the RTPI is an appropriate partner with POSW.

There has been no suggestion of planning performance agreements; the Forum believes that these can be effective for large scale proposals and should be recommended. Experience from England is that they can be very effective given the right approach by LPAs and developers.

Recommendation 13:

A single national list will lead to a long set of requirements to cover all eventualities across Wales. Instead there should be a minimum requirement list, including items such as DAS, there should then be direction to each LPA to openly set out additional local requirements on the list, such as language impact assessments. This information must be openly advertised and easy to access / locate on LPA web sites.

Recommendation 15

Against b), the Forum suggests that minerals should be included.

The Forum would also suggest that this needs to relate to the planning process as well.