



CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

Councillor Robert Francis-Davies
Cabinet Member for Enterprise,
Development & Regeneration

CC Councillor Paul Lloyd
Chair of the Planning Committee

BY EMAIL

*Please ask for:
Gofynnwch am:*

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Scrutiny

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8th February 2017

Summary: This is a letter from the Planning Scrutiny Working Group to the Cabinet Member for Enterprise, Development & Regeneration following the meeting of the Working Group on 1 February. It provides feedback from the Panel on the Cabinet Member's letter dated 7 December 2016

Dear Councillor Francis-Davies,

**Planning Scrutiny Working Group
1 February 2017**

Thank you for your response dated 7 December to the findings and recommendations that arose from the Planning Scrutiny Working Group that took place on 19 October. We felt it necessary to meet to discuss your response and as a result have a number of areas of concern that we wish to bring to your attention. As a number of these directly impact on the role of the chair of the Planning Committee we have copied this letter to him.

Call in process

We remain concerned about the call in process and wish to strengthen our recommendations in this area. We are of the opinion that the current arrangements make it extremely difficult for ward members to get applications called in and that the call-in thresholds are set too high.

We believe that the thresholds should be reduced from 30 to 20 signatures on a petition and from 20 to 10 objections. We also believe that the Chairman's discretion to refer a valid call-in should be made more flexible to include any referral from a Ward Member, providing they are able to identify robust reasons, in order to ensure that Members' role to represent their constituents in planning matters is preserved.

The Chairman's role in the call in process is key, and therefore needs to be more transparent. We previously recommended that the parameters of the Chairman's discretion to allow a call-in when the thresholds are not met need to be clearly set, and that the reasons for a refusal are communicated to the relevant Member/s in writing from the Chairman and we wish to restate this. It would be helpful to also provide us with an explanation of the Public Interest Test and how it is applied in relation to the call-in process.

Consultation

We discussed issues around public consultation on planning applications and ask that you provide us with details of the process that is followed. Our understanding is that it is only the households on either side or adjoining gardens of a proposed development site that are contacted and directly consulted, with a single notice sometimes being placed in the immediate locality. If this is the case, we are of the opinion that the consultation should be widened as the effect of development can often have a significant impact on a greater population than this. We therefore recommend that the consultation area is increased to a radius of 50m around the proposed development, with consideration given to increasing this in rural areas to ensure that all relevant properties that may be impacted are included.

We have concerns regarding the new requirements for developers of major developments to carry out a formal 28 day consultation with stakeholders prior to the submission of their planning applications. We have heard anecdotal evidence that residents' views are not being accurately reported and would like information on what safeguards are in place to ensure that developers are fulfilling their obligations in this regard.

Member training

In your response you acknowledged the importance of ensuring that all Members' received the s106 viability training, and ask that you progress this as a matter of urgency and advise us on the likely timescales. We also urge you to progress the refresher training on the call-in process to all Members, once you have considered our recommendations for change outlined above. We would also like an up-date on the timescales and proposed arrangements for Member engagement on the National Scheme of Delegation.

Fees for pre-application advice

Some members of the working group remain concerned that pre-application advice can be paid for and correctly followed, only for an application to be subsequently turned down. We would like further consideration given to the option of refunding unsuccessful applicants as long as they can demonstrate they fully complied with the advice and requirements. In your response you advised us that there is no refund of fees for pre-planning advice if an application is refused and the Authority has no discretion over this as the fees and format are set by the Welsh Government. We would like a fuller explanation of what the Welsh Government guidance/regulations say in relation to this.

Infrastructure

During our discussion, a new issue arose in relation to the implementation and adoption of infrastructure e.g. highways, drainage, street lighting, as part of major developments. We are aware of issues that have arisen due to developers not ensuring that infrastructure is adopted by the Council and subsequent problems for residents due to lack of maintenance and/or poor quality works. Therefore we ask that you provide us with details on how the planning process ensures that the infrastructure works are in place and completed to a satisfactory standard and what processes are in place to ensure long term adoption and maintenance.

Your response

In your response we would appreciate your comments on the issues raised in this letter. We would be grateful however if you could refer to our specific recommendations outlined below.

- Reduce the threshold for call-in from from 30 to 20 signatures on a petition and from 20 to 10 objections.
- Make the Chairman's discretion to allow a call-in from Ward Members more flexible to include any referral from a Ward Member, providing they are able to identify robust reasons, in order to ensure that Members' role to represent their constituents in planning matters is preserved.
- Ensure that the parameters of the Chairman's discretion to allow a call-in when the thresholds are not met are clearly set and that the reasons for a refusal are communicated to the relevant Member/s in writing
- Provide an explanation of the Public Interest Test and how it is applied in relation to the call-in process.
- Provide details of the process for public consultation on planning applications
- Widen the population that is directly consulted over planning applications, consider a radius of 50m, from a proposed development, and with consideration given to increasing this in rural areas to ensure that all relevant properties who may be impacted are included.
- Provide information on the safeguards that are in place to ensure that developers of major developments carry out a formal 28 day consultation with stakeholders prior to the submission of their planning applications and accurately report the responses they receive.
- Urgently progress the agreed training for Members and advise on the timescales, including s106 viability training and refresher training on the call in process, once you have considered our recommendations for change outlined above.
- Provide an up-date on the timescales and proposed arrangements for Member engagement on the National Scheme of Delegation.
- Provide full details on the Welsh Government guidance/regulation in relation to charges for pre-application advice.
- Further consideration to be given to the option of refunding unsuccessful applicants who paid for pre-application advice, as long as they can demonstrate they fully complied with the advice and requirements.
- Provide details on how the planning process ensures that the infrastructure works within developments are in place and completed to a satisfactory

standard and what processes are in place to ensure long term adoption and maintenance.

Please could you provide your response by 1st March 2017.

Yours sincerely,

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

Councillor Chris Holley
Convener, Planning Scrutiny Working Group
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