



CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

Councillor Chris Holley
Convener, Planning Scrutiny Working
Group

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Date / Dyddiad:

23 February 2017

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I dderbyn yr wybodaeth hon mewn fformat arall, cysylltwch â'r person uchod.**

Dear Councillor Holley

PLANNING SCRUTINY WORKING GROUP – 1 FEBRUARY 2017

I refer to your letter received 8th February 2017 regarding the above.

Firstly, I would like again to thank you as Convener and the Members of the Scrutiny Working Group for your work, for your focus on key elements of the Planning Service and for your recommendations for improvement. I comment below on the points raised.

“Call In” Process

The current “call-in” process and scheme of delegation was approved by Council on 6th January 2015 and is broadly in line with Welsh Government recommendations. This process has provided the Planning Committee with healthy agendas, resulting in thorough debate on large/major applications or those which have a genuine community wide impact or interest, improving the quality of decision making and the efficiency of the Service.

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The “call in” process allows ward members to refer an application to Planning Committee where there is a genuine community wide impact or interest. It does not provide an opportunity for ward members to “call in” applications they consider should be determined by Planning Committee for example, for political reasons, in the absence of any community wide interest or impact. This is the determining factor in this respect and a key pillar upon which the role of the Planning Committee and the scheme of delegation is founded.

Operating in a ward member role there is significant opportunity for a Councillor to represent their constituents in planning matters. Indeed members who are not part of Planning Committee can play a significant role in the process without being bound by pre-determination issues, discussing/clarifying issues with officers, convening and/or facilitating meetings with applicants/developers, representing their constituents views etc. An application does not need to be presented to Planning Committee to allow a Councillor to operate in this way.

Notwithstanding this, there is discretion in the scheme of delegation to allow the Chair of the Planning Committee to refer an application to Planning Committee where a valid “call in” has been made by a Member but where the objection threshold has not been reached.

The parameters of the Chairman’s discretion to refer an application in this way are clearly set out in the Council’s Constitution which provides at Part 3 para 1.19.10 that where a valid call in has been made, *“but the objection threshold has not been reached the Chair of the Planning Committee can direct that the application be determined by Planning Committee where the development has a quantifiable community wide impact or there is a quantifiable community wide interest in a development which goes beyond protecting the private interests of one person, or group of persons against the activities of others.”*

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In this respect where such impacts have been identified the Chairman of the Planning Committee has referred applications to Planning Committee in response to a valid “call in” request.

I consider that the current parameters of the Chairman’s discretion, in this respect, are clearly articulated in the Council Constitution and reflected in practice.

I also consider that there is sufficient flexibility in the current scheme of delegation to allow applications to be referred to Planning Committee where objection thresholds have not been met.

Relevant members should also be notified by the case officer where a “call in” request has not been accepted. I understand that this process of notification may need to be formalised and I have asked the Development, Conservation and Design Manager to review this part of the process to ensure that members are fully informed.

You will also be aware that Welsh Government intend to introduce a National Scheme of Delegation and in this respect the Chairman of Planning Committee and Development, Conservation and Design Manager recently attended a Welsh Government Workshop on this topic. A date for formal consultation has not been set, however, but members will be consulted directly as part of the consultation process and will have the opportunity to comment.

Consultation

Consultation requirements in respect of planning applications are set out the Town and Country Planning Development Management Procedure Order.

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This Order prescribes different consultation requirements for different types of application depending on their impacts, for example, an application for an extension to a property must be advertised either by way of a site notice or by notifying properties which directly adjoin the boundary of the application site. Whilst a major planning application must also be advertised in the press and be subject to pre-application consultation with the community and specialist consultees by the developer.

You have not referenced any specific examples where these requirements have resulted in any issues of concern, however, to depart from these statutory requirements would potentially expose the Authority to a greater risk of challenge and in the current economic climate the costs of any additional non statutory consultation could not be justified.

With regard the pre-consultation requirements imposed on developers prior to the submission of a major planning application, again these are prescribed by the Town and Country Planning Development Management Procedure Order. The applicant is also required to submit a pre-consultation report addressing the issues raised as part of this consultation exercise. Applications will not be accepted in the absence of such a report.

In addition, once a formal planning application is submitted the Authority will also carry out formal public consultation and the public will be afforded a further opportunity to comment on the application and indeed the adequacy or otherwise of the pre-consultation report.

Member Training

A full range of training is currently being programmed for Members following the elections in May of this year and it is unlikely that Welsh Government will engage in formal consultation on the National Scheme of Delegation at this stage. Again this is more likely to take place after the elections.

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Fees for Pre-application Advice

A fee is paid on a cost recovery basis for the work undertaken to provide pre-application advice. For statutory pre-application advice, these fee levels are prescribed by Welsh Government. It is not a “no win no fee” approach. Pre-application advice is provided only on the basis of the information available at the time. The quality of such advice can often be dependent upon the quality of information submitted by the applicant at the time. A wide range of issues can arise at the planning application stage, as more information becomes available and as consultation responses are received which are outside of the control of the Planning Authority.

In addition decisions are made by the Authority and often by Planning Committee who having considered all the material issues relating to an application may legitimately come to a different view to that of the original officer providing pre-application advice.

There are provisions for the refund of planning application fees in certain circumstances under the provisions of “The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 (as amended) but this does not apply to pre-application advice.

Infrastructure

The Authority has no power to require a developer to offer up any of its infrastructure for adoption by the Council. In addition, the Council may not wish to adopt such infrastructure even where it is offered.

The delivery of such infrastructure to an appropriate standard is normally controlled under the terms of the planning permission and/or through conditions. Long term maintenance is also normally controlled by way of a private management company where adoption is not likely to be an option.

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I trust that the above provides an appropriate response to the issues raised by the Planning Scrutiny Working Group. Once again I would like to thank you as Convener and the Working Group as a whole for the positive approach adopted and the constructive recommendations that have been forthcoming.

Yours sincerely



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