

Governance and Audit Committee – 24th March 2025

Agenda Item 5. Audit Wales Recommendations for Governance of the Planning Service-Planning Protocol, Planning Committee Terms of Reference, and amended Scheme of Delegation

SUPPLEMENTARY INFORMATION

Written Representations received from L.C.

Dear Gareth

Firstly many thanks for affording me the opportunity to provide some comments which you will send on to the members. For the avoidance of doubt, I am a lay person when it comes to planning although have become quite familiar with certain parts of it over the last few years. In addition, much of my experience is related to one particular application but I do feel it has given me an excellent insight into how things could be improved and be more transparent for the public.

1. Value for money: as is noted in the document there is considerable investment in the development of the LDP and RLDP. However, it appears to be relatively easy to deviate from it. Therefore I would suggest that any development proposal for land which is not included in the LDP requires additional scrutiny and where there appears to be support to deviate from the plan, more robust, reasoned and substantiated written arguments are required to justify that deviation. Clearly the LDP lasts many years so there may well be times when to is reasonable to deviate, but these should be much more robustly and carefully argued and a decision made in the context of the long term plan developed by the Council, not at a point in time.

2. Further, where there is an ongoing RLDP, any development which could potentially impact that RLDP should be refused, or at the very least more robustly argued and defended as above with the impacts of any approval clearly documented and agreed. Deviation from the LDP should be a rarity, but decisions which impact any ongoing RLDP should be robustly discouraged. I believe that Councillors should not have the ability to prejudice open RLDP considerations but that they should go through the correct process. If this is not possible due, for example, to significant time restraints, the decision should be made not by the Councillors but by the Planning Officers, who have the professional and current knowledge to consider applications in the whole.

Without a firmer adherence to the LDP and consideration of the developing RLDP, there is huge potential to waste public money in developing it in the first place.

3. Due to the potential for Councillors to make decisions which are not based on planning policy and the LDP but potentially politically motivated (or at least that be brought into question), all decisions which go against Planning Officer (PO) recommendations need to be far more robust, able to be linked to planning policy and the LDP/RLDP and for the Councillors to be far more accountable for their decisions. If they make a decision which has a negative impact on the community in which a development will reside, what recourse is open to that community? There is basically none as a development will have been approved (or rejected) and once a development is complete, it cannot be undone. The opening

sentence of 3.4 is paramount 'Planning involves decision making with long term impacts and it is critical that sound governance underpins those decisions.'

Therefore, if I were to be really provocative I would suggest that Councillors may provide their reasons for not agreeing with PO recommendation but that the decision ultimately rests with the PO ie they will consider the arguments of the Councillors but still make the final decision. If that is not possible, clear written, substantiated and appropriate reasons must be given by each individual Councillor going against PO recommendation, linked specifically to planning policy, the LDP and RLDP were appropriate as well as the Well-being of Future Generations (Wales) Act. I welcome the proposals made in section 17 of the Planning Protocol but suggest they need to go even further.

4. Currently the planning process allows ongoing liaison between the PO and the applicant. This leaves the impacted community feeling very excluded and unheard. Submissions can be made to the portal both for and against but the dialogue is missing with the impacted community. Therefore, for large developments I would suggest that the PO hold an equal number of meetings, or at least an invitation to meet, with the impacted Community (or Town) Council to enable a more rounded picture. I would suggest that for a large development, departments such as Highways need to meet in person with the impacted Community to fully understand the local impact which is only really understood when one lives in the locale.

5. I believe training of the Councillors to be a key area for improvement. While they are able to over turn PO recommendation it is imperative that they have received adequate training to be able to make a fully informed and reasoned decision which is indeed driven by clear understanding of the impacts on the LDP, RLDP and any deviation from Welsh planning policy. Therefore I would recommend that training is required on every pertinent policy, the LDP, the RLDP and each iteration thereof with written and recorded assessment of that training. Training should be in person and a minimum level of achievement should be required at each assessment. Training should be required annually. A list of mandatory training should be reviewed and provided annually to the planning committee members who must complete such training and have documented in their individual training records the level of attainment at each assessment. Failure to do so at the required standard or within the defined timeline should require that Councillor to step down from the planning committee. I believe this is key to provide confidence to the public that Councillors who actually are not qualified in planning professionally, unlike the planning officers, are adequately qualified to over turn decisions for reasons other than political gain or due to local lobbying.

6. The majority of Section 106 awards should benefit the community impacted by any development. There should be more flexibility on what is included, dependant upon the individual situation and community. Further, any large scale or commercial development should be far more accountable for negative impacts on the affected community and I would propose a contingency fund is required to be set aside for at least 12 months post completion of the development such that the local Community or Town Council can request funds to address negative impacts eg litter, lighting, road safety.

7. It is unclear to me why the right of appeal is not available in a case where a planning application has been made; the PO has recommended refusal but the planning committee

choose to ignore that recommendation. There should be the right of appeal to enable communities to challenge such a situation without having to potentially incur huge costs going to Judicial Review.

8. Planning committee meetings should be held in person, not remote.

I hope that you find some of these points useful. I would say that I welcome the recommendations in the report.

Kind regards

C