

Sustainability Committee Inquiry into Planning

Planning Aid Wales submission, June 2010

1. Planning Aid Wales and the people we represent

1.1 Planning Aid Wales is the independent charity providing planning aid services for the people of Wales. A Management Board of fifteen trustee directors sets the strategic direction for our work and makes sure we use resources effectively. There are similar independent services for Scotland and London, while the service for the remainder of England is managed through the Royal Town Planning Institute.

1.2 Planning Aid Wales helps individuals and communities to participate more effectively in the planning system. We provide independent, impartial information via our website and publications, an advice Helpline, support for more complex issues and a suite of training resources. We also seek to influence national planning policy and processes, aiming to remove barriers to the involvement of people and groups. In short, we work to make the planning system more accessible and equitable.

1.3 To satisfy our charitable aims, we use eligibility criteria to channel limited resources to the people and communities who most need assistance. So while we can claim to represent the passive interests of all 3 million potential users and participants in the planning system in Wales, our main target communities are those which have not traditionally participated in planning. We work with these communities to improve our common understanding of the planning system from their perspective, preparing user-friendly guidance as necessary. We also respond to national policy consultations to advance specific community interests.

1.4 Planning Aid Wales has been core funded by the Welsh Assembly Government since 2004 and also receives some funding from Royal Town Planning Institute Cymru. This helps to cover the cost of a small staff team, which works with a Wales-wide network of over 100 planning and community volunteers to deliver our services. We generate additional income from training and through a range of project work commissioned by local planning authorities, WAG and other bodies. For more information about Planning Aid Wales, please visit: <http://www.planningaidwales.org.uk/about-us>

2. Key issues

Regulation for the public good

2.1 Land use planning is the only regulatory activity which regularly offers members of the public a statutory right to comment on policies and proposals

before a decision is made. This right to comment is recognition of the significant impact new development has on individuals, local communities, society and the wider environment. It also reflects a strong commitment to public involvement in planning, an enduring feature of the system for more than sixty years.

2.2 Good planning helps to educate the public about the planning process. It offers community engagement in policy-making. It encourages constructive public comment on planning applications. People have a clear understanding of the shape of the overall process and the factors which influence decisions.

2.3 In time, good planning builds public confidence, encourages inward investment and supports a stable economy. It gives communities a stake in their local environments. It delivers high quality new development which is sensitive to local circumstances. In summary, the planning system is a key mechanism for delivering sustainable development through better environments, stronger communities and a more resilient economy.

Planning applications and planning policy

2.4 The planning system has two main elements; planning applications and planning policy. For planners, developers and the informed the two elements are intimately connected. But the vast majority of people know something about planning applications and next to nothing about policy.

2.5 The key principle of planning, that policy drives decisions, is unclear for the general public. The cart - reacting to applications - is firmly before the horse - influencing policy - in people's minds, with forward progress stalled.

2.6. Experience of planning usually results from a local planning application, a new development or an article about a recent planning case. So long as the linkage between applications and policy remains obscure for most people, difficult decisions will continue to damage public confidence.

Public consultation on planning applications

2.7 For each planning application registered, local planning authorities offer a selection of non-specialists (neighbours, community councils, interest groups, etc) and big player specialists (Environment Agency, CCW, highways, etc) an opportunity to comment on proposals. All comments received are taken into account before a decision is made.

2.8 Most responses from non-specialists fail to refer to policies and therefore carry little weight. This is immensely frustrating for the people spending time responding to applications; they feel their time is wasted and their opinions ignored. And to add insult to injury, following the decision only a small minority receive an explanation of how their comments were taken into account. We conclude that consultation on planning applications is not currently conducive to public involvement or responsive to local opinion.

Community involvement in forward planning

2.9 The relationship between local planning authorities and their communities is much closer during the preparation of Local Development Plans. Community engagement and participation are key objectives during the earlier, 'big picture' stages of plan-making. This is excellent in theory but does require support and resources, both within authorities and in local communities, to make it work.

2.10 The majority of people in most areas do not take up the opportunity to respond to planning consultations, either on applications or emerging policy. Response rates are particularly low in disadvantaged areas and communities, where planning is considered remote, over-bureaucratic or irrelevant to meeting local needs. This is ironic, since these are the areas which stand to benefit most from effective community involvement in forward planning.

2.11 The planning system *is* complex. But its broad shape, the relationships between the main elements and the roles of key players are easily explained and grasped. Those who understand the system see its enormous potential to benefit society. There is nothing fundamental restricting better public understanding of the system, or more participation by those who want it.

3. How national policies transfer to the local level

Public understanding of national planning policy

3.1 Most people's experience of planning happens at the local authority level. They know little about the overall shape of the national planning policy framework or its relationship with policies in local development plans.

3.2 National policy is contained in a suite of specialist documents intended for experienced practitioners. There are few examples of non-technical versions of national policy documents being produced for general consumption. Our publication '*A Public Guide to the land use planning system in Wales*' demonstrates that national planning policy can be expressed simply and clearly for a non-specialist audience.

Public involvement in developing national policy

3.3 There is little public involvement in consultations on emerging national policy. Most national consultation documents use technical language which is accessible only to specialists. Documents are rarely prefaced by a clear explanation of the context of the consultation or provide a summary of the likely effects of new policy. The consultation methods used are conventional and shallow in scope. So the audience for national policy consultation is pre-determined to a great extent, and this is reflected in the responses received.

3.4 More and better public involvement in developing national policy is possible, but creativity is needed. For example, we worked with hard-to-reach

Gypsy and Traveller communities during a consultation on national policy to secure new traveller sites in Wales. We accessed a range of views which would otherwise have remained hidden, submitted a collective response on behalf of traveller communities, and later worked with travellers to produce targeted guidance.

Infrastructure Planning Commission

3.5 The Infrastructure Planning Commission is responsible for deciding non-devolved major infrastructure proposals in Wales. While not a part of the devolved planning system, it is likely to have impacts in Wales. There are currently ten Welsh schemes registered with the Commission, including several large wind farms and two power stations.

3.6 Public consultation on the first tranche of National Policy Statements, against which proposed schemes are to be decided, has been narrow in scope. There is minimal public awareness in Wales of the emerging Policy Statements or of the fast-track process which will decide some large infrastructure proposals.

3.7 Scheme promoters will need to work closely with local planning authorities and communities to ensure that consultation on these potentially contentious schemes is meaningful and responsive.

4. Planning policy and guidance

Public understanding of policy

4.1 In general, people do not know that planning policy exerts a very strong influence on planning decisions. This means a disproportionate amount of public time and energy is spent reacting to planning applications without reference to policy. Consultation responses which don't make adequate reference to relevant policy carry little weight.

4.2 In our experience, it takes just a few minutes to describe to non-specialists the relationship between planning policy and planning applications. Once people understand the basic principle they can see for themselves the benefits of involvement in the early stages of plan-making, and also the need to reference policy when responding to applications.

4.3 Most planning policy documents, whether national or local, are written by planners for a specialist audience. They use technical language and rarely provide a non-technical summary.

Public involvement in developing policy

4.4 There are some examples of effective public participation in the early stages of plan-making. For instance, Planning Aid Wales has worked with two local planning authorities to engage communities in the early strategy-

setting stages of plan making. The work has built public understanding of the system and the role of people in it.

5. Advantages of the current system

The scope for more public involvement

5.1 There is a clear and rational relationship between development plan policies and development management decisions, even if this is not properly understood by most lay people.

5.2 There is enormous scope for more community involvement in the planning system. However, many people simply do not have the knowledge or resources to participate, or are unaware of the opportunities for more meaningful participation.

5.3 Planning reforms in 2005 introduced the new system of Local Development Plans, and a new systematic process for involving communities in the early, strategy-setting stages of plan development. But the general public needs to be made more aware of these new opportunities. Disadvantaged and marginalised groups need help to gain a voice in planning the future of their environments. Planning Aid Wales is uniquely placed to work with partner organisations to help make this happen.

6. Disadvantages of the current system

Consultation

6.1 It has been standard practice for decades to consult a range of people about planning applications. This means asking people to comment on a pre-determined proposal which they have not usually had a chance to influence. Unsurprisingly, consultation response letters often oppose.

6.2 There are regulations defining basic consultation procedures for planning applications, but in practice there is variation between the consultation practices of the 25 Welsh local planning authorities. Also, there is too much consultation across the board which is phrased in technical language and without context.

6.3 We suggest that all authorities should have consultation protocols in place to define minimum standards for: who gets consulted in which different circumstances; the methods of consultation to be used in different circumstances; what information will be provided; how long will be given to respond; what happens when the response is received; and what happens after the decision.

Culture

6.3 We believe that a shift in planning culture is needed before the aims of reform can be fully realised.

6.4 Planning professionals in all sectors need to hone their public participation skills in order to work more closely with local communities and harness local energies. They need to remember that the planning system is impenetrable to most people, and to phrase their communications accordingly.

6.5 On the flip-side, community groups, organisations and individuals need capacity-building support and encouragement to start realising the potential benefits of early involvement in forward planning.