

# Planning Scrutiny Investigation Report

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## 1. **Context**

- 1.1 It is vitally important for the planning procedure to correspond to the needs of the county's communities and widespread perception suggests that insufficient consideration is given to matters such as the economy when determining planning applications. Consequently, a decision was made to carry out a scrutiny investigation on the planning arrangements, and consider the Council's planning procedures and how well they correspond to the economic needs of the county, as well as other factors.
- 1.2 It must be noted that this investigation is specifically relevant to the Gwynedd Council Planning Authority Area only, as the Planning Authority for the Park area is the Snowdonia National Park Authority.
- 1.3 The planning system operates within a statutory framework and it is believed that an understanding of the following is necessary:
- i) the relevant statutory requirements
  - ii) the planning policy framework nationally and locally
  - iii) other material planning considerations and the weight assigned to those planning considerations.
- 1.4 Only when this has been understood will it be possible to consider in greater detail the way in which Gwynedd Council operates when determining planning applications and the way in which advice is given to prospective developers before they submit an application.

## 2. **Purpose of the Scrutiny Investigation**

- 2.1 The investigation attempted, initially, to understand:
- The statutory requirements relevant to the planning system
  - The national and local planning policy requirements
  - The material planning considerations when dealing with planning applications and the weight that should be apportioned to each of the various planning considerations
  - The extent of the planning system's freedom within the aforementioned frameworks
- 2.2 The Investigation then attempted to answer the following questions:-
- How does Gwynedd Council deal with the order, performance, numbers etc. of planning applications?
  - Is there any firm evidence to suggest that the Council does not give adequate consideration to the economy when preparing planning policies and when determining planning applications?
  - Are the Council's arrangements for offering pre-application advice to prospective developers as they go through the planning process efficient and convenient; and, do they, consequently, convey an image of a system that promotes and develops or one that regulates?
  - What is the experience of the users of the system, members of the public, town and community councils and other users?

### 3. Main Activity of the Investigation

3.1 The Investigation met with the Cabinet Member and the Senior Planning and Environment Manager to agree on the specific fields of investigation upon which work has been carried out over 4 meetings.

3.2 With respect to statutory requirements, the planning process operates within a statutory framework consisting of three levels, namely:

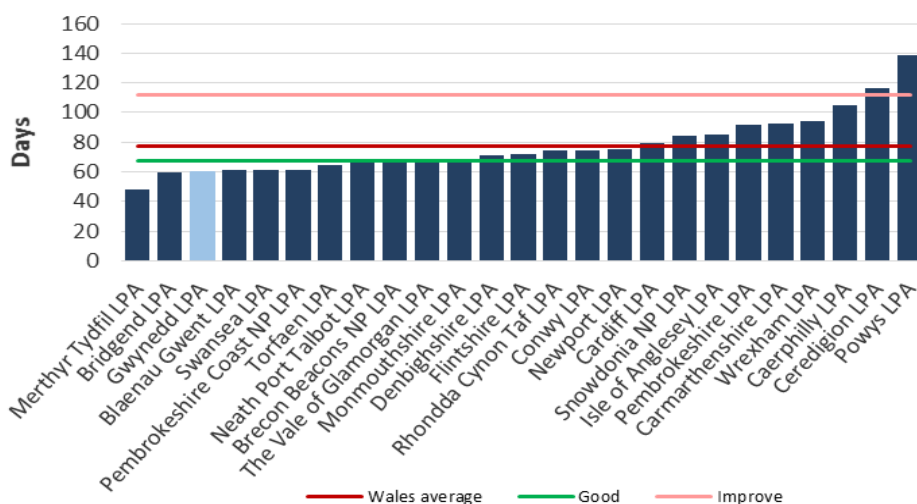
- Primary Legislation (the Planning (Wales) Act 2015, the Town and Country Planning Act 1990, The Planning and Compulsory Purchase Act 2004, and the Planning Act 2008)
- Subordinate Legislation
- Material planning policies and guidelines.

3.3 The planning system currently follows the Unitary Development Plan (Gwynedd). This Plan will be superseded by the Joint Local Development Plan in 2017.

See **Appendix 1** for further details on the statutory requirements.

3.4 The Investigation was given very useful information in which the service's performance in Gwynedd was compared with other areas. In 2015-16, we processed 1,026 planning applications. On average, each decision took approximately 60 days (9 weeks). This shows that Gwynedd's performance is among the best in Wales, as it compares with a Wales-wide average wait of 77 days (11 weeks). Figure 1 shows the time, on average, that each Local Planning Authority (LPA) takes before determining an application during the year. This is also an improvement on 2014-15 when the average was 84 days.

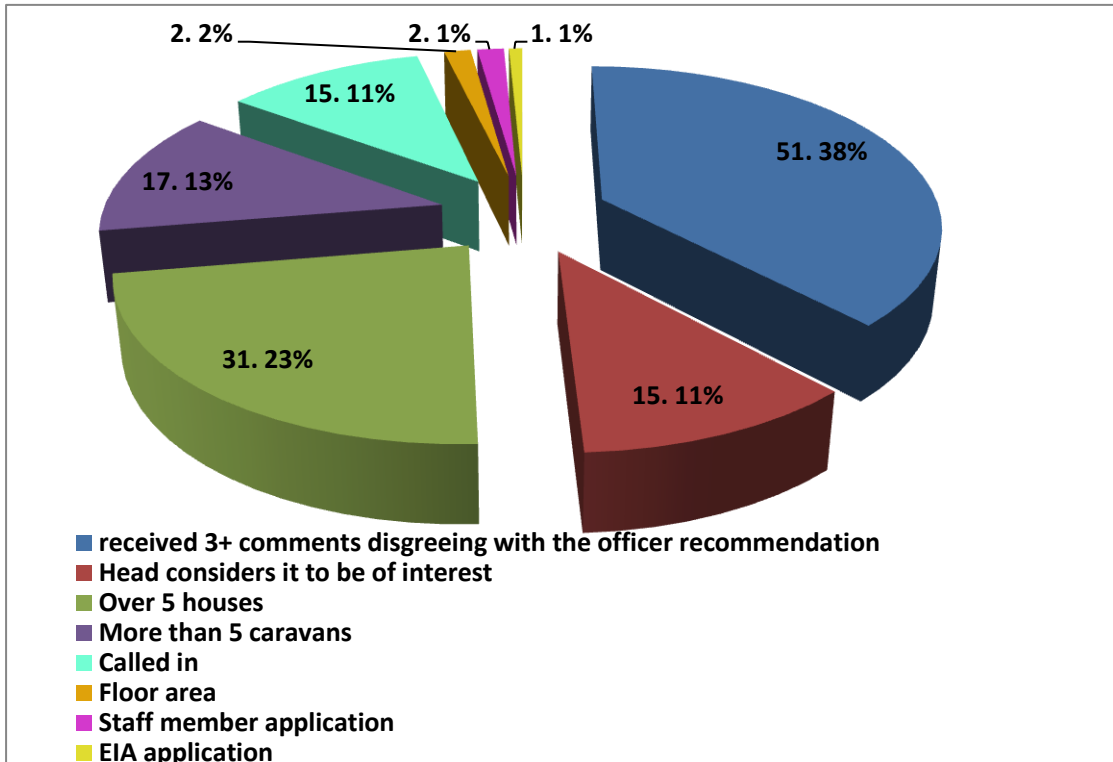
**Figure 1: Average time taken (days) to determine applications, 2015-16**



- 3.5 In 2015-16, 83% of all planning applications had been determined within the required time frames. This compares with 77% in Wales and we are one of eight LPAs to have reached the 80% target. Once again, this is an improvement on 2014-15 when 76% of planning applications were determined within the required time frames.
- 3.6 27 appeals were lodged against planning decisions during 2015-16 which was an increase on the 14 in previous years. This also placed Gwynedd among the five Councils in Wales with the highest number of appeals. 70% of the appeals lodged were rejected, which is higher than the national average of 66%.
- 3.7 During 2015-16, 91% of all the applications were dealt with under the delegated system with 9% of applications submitted to the Planning Committee which meets every three weeks. This compares with 7% across Wales.

See **Appendix 2** for further details on the annual performance report.

- 3.8 The Delegation Scheme states that Gwynedd Council thresholds are based on the same type of developments noted in the definition of 'major' applications, exact thresholds have been adapted to reflect the circumstances / interest that existed at the time of drawing up the current Delegation Scheme. By now, the nature of planning applications that are submitted to the LPA has considerably changed in terms of some types, size and number e.g. telecommunication masts and equipment, how contentious the subject is at the specific time.
- 3.9 The Gwynedd Planning Committee convenes every three weeks and in the past year there have been approximately 10 applications on every agenda with one agenda having 13 items. From experience, the current Chair and the former Chair of the Planning Committee and the Monitoring Officer believe that the ideal number of items on the agenda is approximately 8 applications.
- 3.10 The average percentage of applications determined under delegated powers throughout Wales during 2015/16 was 93.1% with Gwynedd approximately 91% (or 953 applications). The remainder, approximately 93 applications have been submitted to the Planning Committee at 15 different meetings (with a number of applications deferred and resubmitted).
- 3.11 During the 2015/16 year, the main reasons for submitting applications to the Committee were as follows:



**Note:** it must be borne in mind that these (or current) thresholds do not apply individually - it is possible that an application before the Committee is on the agenda due to e.g. number of houses, objections and that it was referred by the Local Member.

- 3.12 Considering the above, it is possible to propose simple changes to the delegation thresholds as noted in **Appendix 3** that would either reduce the number of applications on every agenda and all the associated work and/or ensure that applications that require priority are not unnecessarily delayed, reducing risks and ensuring the performance levels of the LPA.
- 3.13 It soon became clear to the Investigation that the planning system and the building control system would have to collaborate closely if the customer was to receive the best possible service. The Senior Planning and Environment Manager contacted other councils in Wales to seek their opinion on the advantages and disadvantages of providing one service for planning and building control see **Appendix 4** for their response).
- 3.14 In addition, the issue was discussed with the Senior Manager of Gwynedd Consultancy, responsible for Building Control and it was noted that there is room to improve the working relationship between the two departments and that regular, formal discussions should take place.
- 3.15 As part of the discussion on Building Regulation, the confusion / complication that can occur if the borrowers need a guarantee of work was highlighted. At the moment this occurs after completion of the development, which occurs additional work to check the quality of work. Gwynedd Consultancy can offer a warranty service as a new revenue stream while the work is being completed.

- 3.16 With regard to the economy, Part 2 of the Unitary Development Plan and related policies attempt to ensure that consideration is given to the economic impact of the planning application when making planning decisions.

[http://www.cartogold.co.uk/gwynedd/text/english/06\\_employment.html#ub](http://www.cartogold.co.uk/gwynedd/text/english/06_employment.html#ub)

- 3.17 Over this period of three years, 93.5% of the 5,400 planning applications registered by the LPA were approved and it could be said that almost all of these had the potential to support the economy in one way or another e.g. construction period providing local employment, tourism, attractions, supporting and maintaining existing employment, spending money locally etc.
- 3.18 **Appendix 5** contains a wide range of examples of planning applications submitted over the past three years, all of which involve economic developments. The list includes examples of permissions for new enterprises (of varying scale) as well as examples of supporting existing enterprises to extend and facilitate new use of existing buildings.
- 3.19 A workshop was held with planning officers as part of the Investigation work to look more closely at four planning applications to gain an understanding of how the economy is considered when dealing with applications. Members of the Investigation were convinced that the arrangements paid due attention to the economy but that there were instances where other matters received more attention e.g. more emphasis was placed on traffic and safety when refusing an application regardless of its economic benefits.
- 3.20 The Service offers pre-application advice, and has been charging a fee for this since April 2015. Furthermore, developers submitting an application which falls within the statutory definition of major are now required to submit a Statement of Community Consultation along with the planning application to make it a valid application.
- 3.21 These arrangements have been welcomed by residents and developers, and this methodology is now recognised as a time and money-saver as it provides more certainty.
- 3.22 With respect to user experience, the customer satisfaction questionnaire for planning (see **Appendix 6**) notes that 56% of respondents agreed that the LPA offers sound advice to assist them in submitting a successful application. This compares with 58% across Wales.
- 3.23 More recently the service has been more proactive in trying to understand customer satisfaction. By now, they phone the developers of a sample of 10% of applications approved every month and improvements/changes are made to the system as required. During 2015-16, 89% of customers were satisfied with the service.

- 3.24 In addition, the Service took part in a national customer satisfaction survey which assessed the opinions of a sample of the population who had received a decision on a planning application during 2015-16. 66% of the respondents stated that they were satisfied with how the LPA had dealt with their application compared with the average of 61% nationally.
- 3.25 Some, however, have commented on the difficulty of getting hold of an officer at times to discuss an application or seek clarity on a specific matter.
- 3.26 With regard to town and community councils, each planning application is submitted to the relevant community / town council inviting observations on the planning application. To facilitate this, training sessions have been held for town and community council members to give them a better understanding of the planning procedure and its limitations.
- 3.27 As part of this investigation, consultation was carried out with community councils within the county to seek their opinion on the process of submitting observations on planning applications and we received a response from 20 councils, or 34% that are within the Council's planning area (see **Appendix 7** for the full response).
- 3.28 Generally, they have not received any relevant training and in light of the new Local Development Plan it will be crucial that they understand the new policies.
- 3.29 In terms of satisfaction with the way they receive information / response to a query, 10 of them, or 50%, expressed satisfaction and the comments regarding dissatisfaction are summarised below:
- Response takes too much time
  - Community Councils are ignored by planning officers. The views of the community council should have a far greater impact on planning applications
  - Tight timetable
  - Difficult to have contact with a planning officer
  - No attention is given to our comments
  - Applications are received too late to comment on them.
- 3.30 The biggest obstacle noted to be able to comment on applications is the timetable of 21 days since they do not necessarily hold a meeting within the timeframe.
- 3.31 Generally in terms of issues to improve the experience, stated:
- it would be useful to receive confirmation of the decision by the Council
  - the need for greater collaboration between Council departments
  - the need to strengthen control and enforcement and policing applications more thoroughly
  - a simple template for clerks indicating what the expectations are and training using live applications



- the views of community / town councils should get more attention than the views of individuals e.g. opposition by 16 people at a community council compared to one individual
- that all applications where community / town councils disagreed with planning officers should be referred to the Planning Committee
- there should be more local councilors involved in the process
- the need to ensure that planning officers respond to any request for further information / questions regarding the application in a timely manner
- the procedure of going through Galw Gwynedd can be laborious if it were a simple query.

3.32 This suggests a picture where the timing of community and town council meetings is a barrier, the potential lack of understanding of what are planning issues when making comments and the lack of closure in the cycle in terms of informing the community and town council of the decisions made.

#### 4. Main Findings of the Investigation

4.1 The main findings of the Investigation are noted below along with supporting evidence, followed by the Investigation's subsequent recommendation.

<p><b>1. Statutory Requirements</b></p> <p><b>Findings</b> - The planning process must operate within a statutory framework as well as within the Unitary Development Plan (Local Development Plan in 2017). Consequently, the system is quite restrictive.</p>
<p><b>Evidence –</b></p> <ul style="list-style-type: none"> <li>• Primary Legislation</li> <li>• Subordinate Legislation</li> <li>• Relevant planning policies and guidelines</li> <li>• Unitary Development Plan.</li> </ul>
<p><b>Recommendation to the Cabinet Member –</b></p> <p>It is recommended that the Cabinet Member ensure the Council regularly monitor the impact of the Local Development Plan (once it has been approved). Furthermore, training must be secured for members and members of town and community councils to raise awareness and understanding of planning matters, giving consideration, where relevant, to input from external sources.</p>

<p><b>2. The Service's Performance</b></p> <p><b>Findings</b> - The service performs well, in general, with an increasing number of applications being submitted. Following the discussions, it was concluded that there was a clear interrelation between the work of the Council's planning service and building control service.</p>
<p><b>Evidence –</b></p> <ul style="list-style-type: none"> <li>• Performance Report 2015/16</li> <li>• Comments regarding the difficulty in getting answers through Galw Gwynedd</li> </ul>
<p><b>Recommendation to the Cabinet Member –</b></p> <p>The Cabinet Member is recommended to review Ffordd Gwynedd to ensure the the public receives the best possible service when trying to contact an officer, and to review the interconnection between planning and building control to ensure a full and streamlined service for the public.</p>

<p><b>3. Consideration for the Economy</b></p> <p><b>Findings</b> - The Council does pay due attention to economic matters when determining planning applications in accordance with the Unitary Development Plan.</p>
<p><b>Evidence –</b></p> <ul style="list-style-type: none"> <li>• Gwynedd Unitary Development Plan (Part 2) and relevant policies</li> <li>• Evidence by the investigation that the economy had been given due attention when making decisions</li> </ul>
<p><b>Recommendation to the Cabinet Member –</b></p> <p>A recommendation is made to the Cabinet Member to ensure that matters relating to the economy receive due and specific attention in the report in order to ensure that members understand the impact on the economy e.g. a separate heading for the economy so that it does not become overwhelmed by the "principle of the development".</p>

<b>4. Delegation Scheme</b>
<b>Findings</b> – The thresholds of the Gwynedd Delegation Scheme seems to be lower than other establishments and this can be seen through the number of applications discussed in the Planning Committee.
<b>Evidence</b> –
<ul style="list-style-type: none"> <li>• Wales’ Comparable performance 2015/16.</li> </ul>
<b>Recommendation to the Cabinet Member –</b>
The Cabinet Member is recommended to review the Delegation Scheme thresholds as noted in <b>Appendix 3</b> .

<b>5. Advice to Prospective Developers</b>
<b>Findings</b> - Arrangements for providing advice to prospective developers is appreciated and provides developers with options to amend an application as required.
<b>Evidence</b> –
<ul style="list-style-type: none"> <li>• Customer satisfaction questionnaire 2015-16</li> </ul>
<b>Recommendation to the Cabinet Member –</b>
The Cabinet Member is recommended to carry on with the good work and that the Cabinet Member receives regular updates of the lessons learned.

<b>6. Community and Town Council experience</b>
<b>Findings</b> - Most parish and town councils that responded were satisfied with the process although comments to the contrary have been received as well.
<b>Evidence</b> – <ul style="list-style-type: none"><li>• Community/Town Council Questionnaire</li></ul>
<b>Recommendation to the Cabinet Member</b> – <p>It is recommended that the Cabinet Member ensures relevant training for community and town council members following approval of the Local Development Plan in the summer. Also producing a simple template / guidance for the clerk would be beneficial to assist them to make comments.</p> <p>In addition, to facilitate the work with Community / Town Councils an electronic link to the application should be made with an idea of the timescale of when a decision will be made.</p>