

<b>Committee</b>	<b>COMMUNITIES SCRUTINY COMMITTEE</b>
<b>Date</b>	<b>6<sup>th</sup> FEBRUARY 2020</b>
<b>Title</b>	<b>Planning and the Delegation Scheme (Monitoring report on the implementation of the new Delegation Scheme)</b>
<b>Cabinet Member</b>	<b>Councillor Gareth W Griffith</b>
<b>Author</b>	<b>Gareth Jones – Assistant Head of Environment Department</b>
<b>Purpose</b>	<b>Complete 12 month monitoring of the implementation of the new Delegation Scheme and report back to the Scrutiny Committee thereafter</b>

## **1. BACKGROUND**

- 1.1 The Delegation Scheme for planning applications was revised in May 2018 following a scrutiny investigation, and the Scrutiny report submitted for approval by the Full Council is appended for information (Appendix 1). The objective of the report was to adapt the system in order to strike an appropriate balance regarding the type of planning applications that had to be submitted before the Committee for a decision and those that can be determined through the delegated system.
- 1.2 One of the main changes was to shift the emphasis from referring to the Committee as a result of a comparatively low and quantitative number of objections, which increased the work of the Committee despite the nature of the applications being comparatively straight-forward. Therefore, specific emphasis was placed on the role of Local Members and wider as the barometer of local opinion and to use their right to call in if there was genuine local concern.
- 1.3 Following the adoption of the new Delegation Scheme, Members of the Scrutiny Committee raised concerns about how officers had made a decision on an application in Plas Pistyll under the delegated system and the matter was discussed by the Scrutiny Committee at its meeting on 13 December 2018; 7 February 2019 and 4 April 2019.
- 1.4 The recommendations of the Head of Environment Department as noted in the report stated:  
It is recommended that the Head of Environment Department:
- 1) Consider potential options as methods of consulting with the Local Member, Community / Town Councils, neighbours etc. on planning applications to vary conditions and on other types of planning applications.
  - 2) Review the consultation arrangements on applications in or near the Area of Outstanding Natural Beauty (AONB) in terms of the AONB Service and the AONB Joint-committee, provided that this is reasonable and appropriate considering the statutory requirements for consulting on and for making decisions on planning applications.
  - 3) Continue to hold regular training sessions for all Members and that all Members give priority to attending those sessions. This could include individual sessions for a Member if necessary.

- 4) Complete the 12-month monitoring on the implementation of the new Delegation Scheme and report back to the Scrutiny Committee afterwards on the Delegation Scheme and on recommendations 1, 2 and 3.'
- 1.5 At its meeting on 4<sup>th</sup> April 2019, the Scrutiny Committee proposed and seconded to accept the report and the above-mentioned recommendations.
- 1.6 For convenience, the four recommendations are discussed per heading:
- Consider potential options as methods of consulting with the Local Member, Community / Town Councils, neighbours etc. on planning applications to vary conditions and on other types of planning applications.**
- 1.7 A consultation will be held with the Local Member, Community/Town Council and neighbours in accordance with Schedule 12 of the Town and Country Planning Order (General Development Procedure) (Wales) (Amendment) 2012.
- 1.8 Consulting with the statutory consultees happens electronically and a consultation is held with neighbours via letter and/or site notice as appropriate and in accordance with the above Order. A consultation will be held with the Local Member, Community/Town Council on every application where there is a statutory requirement to consult. This is also consistent with how other Local Planning Authorities operate in terms of consulting on planning applications.
- 1.9 The Planning Service also publishes a 'Weekly List' of registered planning applications and this is available on the Council's website [www.gwynedd.llyw.cymru/planning](http://www.gwynedd.llyw.cymru/planning) > 'View planning applications (Track and Trace)' > 'Registered applications: Weekly List'. On 'Track and Trace' it is also possible to search for planning applications or view previous weekly lists. It is not mandatory for the Planning Service to provide such lists.
- 1.10 A copy of what is sent as a consultation to the statutory consultees (including the Local Member and Community/Town Council) is attached in Appendix 2. A copy of the consultation to neighbours is attached in Appendix 3. These consultations have been amended since the Scrutiny Committee in April 2019 and the new consultation is set-out differently in order to better highlight the relevant matters. A copy of the previous consultation letters are attached in Appendix 4.
- 1.11 When consulting on an application, it is essential that the matters of relevance to the planning application are included, including a description of the development and the location, details about where the application details can be viewed, the timetable for submitting comments and details about how to submit comments. There are no National requirements regarding the detail of the description; however, officers ensure that the description provides a reflection that is as clear as possible of the proposal; however, it must also be acknowledged that there is no requirement to provide excessive detail. The planning application or supporting information does not have to be published electronically; however, Welsh Government does encourage this in order to make it easier for members of the public to participate in the development control process. In such a rural county as Gwynedd, maintaining a website that holds information about applications makes it easier for the public to gain easy access to the information and be able to provide comments.

- 1.12 It is considered that the consultation letters provide the necessary information (and as required by Welsh Government) and avoids jargon and being overly-complicated wherever possible. From time to time, if major and complex applications are submitted, it is inevitable that the description has to be more detailed. A consultation was held with the Council's Communication Unit in order to receive views on the content and the layout of the consultation letters for neighbours and minor changes were suggested which have been incorporated in the letter. It was suggested that more guidance is offered in the letter to neighbours about how to access the relevant information on the 'Track and Trace' system and this has been included as a part of the letter that has been attached for information in Appendix 3. The letter that is sent to statutory consultees/Local Member/Community and Town Councils includes a direct link to the application; therefore, there is no need for the same amount of guidance as provided on the neighbours' letters.
- 1.13 Since November 2019, the Planning System has had a new back office system which means that changes have had to be made to the consultation methods. In particular, the format and font of the consultations have changed and this in itself has made the letters clearer to read and the main matters are better highlighted. In addition, the new back office system means that it is easier for users of the 'Track and Trace' page on the Council's website to see which documents are consulted upon. As a result of the new back office system, the above-mentioned Weekly List is also easier to use as more information is available on the front page which enables site users to have a more comprehensive snapshot of the listed applications (copy given as an example in Appendix 5).
- 1.14 The Planning Service is aware that the transfer to the new system has not been completely problem-free due to the enormity of the task and change. When introducing such a fundamental change, it is inevitable that the system is not going to be completely perfect from the start and officers are working regularly to improve this and to respond to any issues arising in a timely way. Nevertheless, and given that the number of users is substantial, only a small number of concerns have been received about the change and for the vast majority of the customers/users of the Service, the change has been a marked improvement from the old system, including a clearer description of the documents available and a brief overview of the plans without having to open documents one-by-one. Ultimately, and after the first period, the Service is confident that the new arrangements will be a marked improvement for all users of the Service, with one of the greatest advantages meaning that when problems arise, officers have the ability to respond to them quickly without having to ask an external company to do this.

**Consider the consultation arrangements on applications in or near the Area of Outstanding Natural Beauty (AONB) in terms of the AONB Service and the AONB Joint-committee, provided that this is reasonable and appropriate considering the statutory requirements for consulting on and for making decisions on planning applications.**

- 1.15 A formal arrangement is already in place by means of a Service Level Agreement in order to consult with the AONB Unit on applications within or near the AONB. The arrangements mean that an established working relationship is in place which means that the AONB Service provides formal feedback within a specified statutory time-frame to a broad range of planning matters, including some consultations on pre-application advice requests, and all planning applications located within or near the AONB. The responses are concise and relevant to the matters affecting the AONB. In addition, a close working relationship between the two services means that regular joint-discussions are held in order to discuss planning matters that could affect the AONB. When considering planning applications within the AONB, or applications near the AONB that could impact the AONB, officers give due consideration to the comments of the AONB Unit and the relevant policy context (including policy AMG 1 of the Joint Local Development Plan which refers to the AONB Management Plan).
- 1.16 From discussing with the AONB Unit, it is considered that these current arrangements are reasonable and appropriate and work effectively and contribute to the purpose of protecting the AONB. There is no statutory requirements to consult with the AONB Unit; however, it is considered that this is good practice and adds value to the process. There is no formal arrangement to consult with the AONB Joint Advisory Committee on planning applications. However, in special cases, the Planning Service is aware that planning applications may be discussed at meetings of the Joint Advisory Committee and for comments to be forwarded to the Planning Service. Under the above-mentioned circumstances, it is believed that the current arrangement works well and that there are no grounds for making changes.

**Continue to hold regular training sessions for all Members and that all Members give priority to attending those sessions. This could include individual sessions for a Member if necessary.**

- 1.17 The Planning Service is committed to holding planning-related training sessions on a regular basis. Recent sessions have covered the Joint Local Development Plan and the arrangements for monitoring and reviewing the plan and outputs of the first annual monitoring report, as well as a discussion on recent appeal cases and the main messages deriving from appeal decisions. In general, the feedback from the Member training sessions is very positive. With the exception of training new Members of the Planning Committee in 1:1 sessions, the following training sessions were held over the past few years, such as:
- Gwynedd and Anglesey Local Development Plan 16/09/2019 & 19/09/2019
  - Training for Planning Committee Members - 01.04.19
  - Training for Members on the planning process - 20/2/19
  - Training: Planning Committee 16/1/19
  - Planning Appeals Training - 27/7/18
  - Training for Planning Committee Members - Appeals - 15/06/18
  - The Planning Committee 2017 (Planning Appeals)

**Complete the 12-month monitoring on the implementation of the new Delegation Scheme and report back to the Scrutiny Committee afterwards on the Delegation Scheme and on recommendations 1, 2 and 3.**

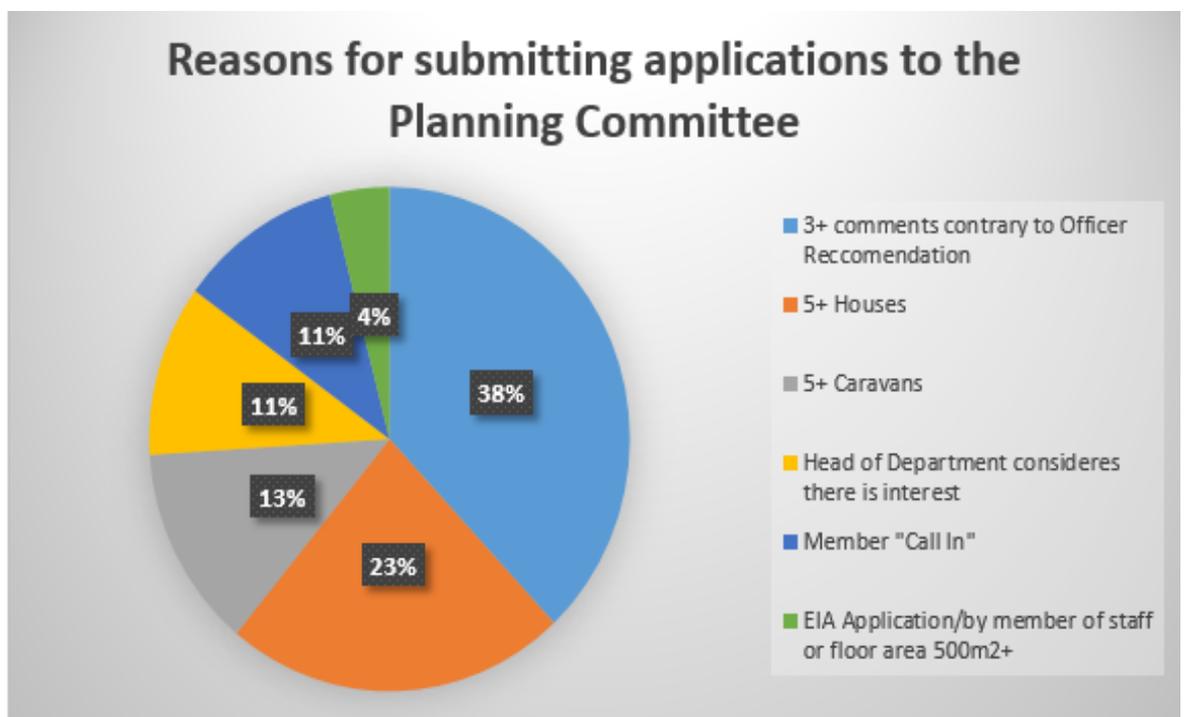
- 1.18 As noted previously, the Delegation Scheme for planning applications was revised in May 2018 following a scrutiny investigation and a copy of the Scrutiny Report submitted to the Full Council to accept for information is attached (Appendix??). The objective of the report was to adapt the system in order to strike an appropriate balance regarding the type of planning applications that had to be submitted before the Committee for a decision and those that can be determined through the delegated system. One of the main changes was to shift the emphasis from referring to the Committee as a result of a comparatively low and quantitative number of objections, which increased the work of the Committee, despite the nature of the applications being comparatively straight-forward. Therefore, specific emphasis was placed on the role of Local Members and beyond as the barometer of local opinion and to use their right to call in if there was genuine local concern.
- 1.19 As a part of the Scrutiny Investigation in 2016-17, it was anticipated that obvious and extensive benefits would emerge from implementing changes to the Delegation Scheme, including:
- Fewer applications on the agenda and not have to prioritise as much
  - More timely decisions likely to:
    - Improve customer experience
    - Reduce the risks to the Council (appeal and refunding fees)
    - Less work pressure on Planning Committee Members and shorter meetings
    - Planning Committee able to focus on applications that are of real interest to them
    - Less pressure on all Units and officers who support the process
    - Free up Planning Officers' time to focus on other planning applications in order to improve the experience of all Planning Service customers

**2. ASSESS THE CHANGES TO THE DELEGATION SCHEME**

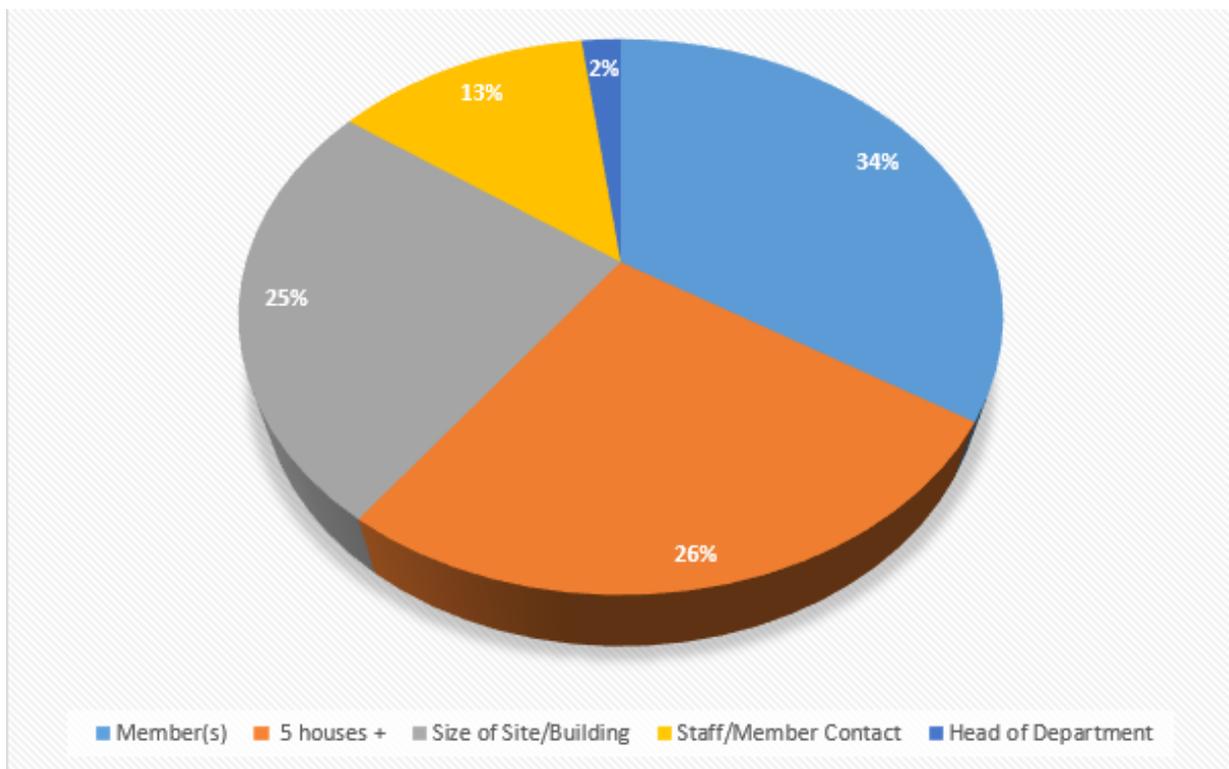
- 2.1 Eighteen months have now passed since the adoption of the new Delegation Scheme and we can revisit the data for this period in order to assess the change. In 2016/17, 9% of all Gwynedd Local Planning Authority planning applications came before the Planning Committee compared with the Welsh average of 6%. At the time, the main reasons for this were:
- Thresholds for referring applications to the Planning Committee were low
  - Thresholds were too prescriptive
  - Delegation Scheme (at the time) was outdated - and the type of applications seen has seen a marked change in terms of number, type and scale.

2.2 See below two graphs: the first shows the reasons for submitting applications before the Committee based on the knowledge of the Planning Committees in 2015/2016 and the second shows the reasons for submitting applications to the Planning Committee since September 2018. Although the new Delegation Scheme was adopted at the beginning of May 2018, a number of applications that were submitted to the Planning Committee in subsequent months were applications that needed to be considered in accordance with the requirements of the old Delegation Scheme. By September 2018, a vast majority of the applications being submitted before the Committee were ones that had been submitted to the Committee on the grounds of the new Delegation Scheme and therefore it is considered that the information from September 2018 provides a fairer reflection of how the Committee's workload has changed as a result of adopting the new Delegation Scheme.

**Reasons for submitting applications to the Planning Committee in 2015/2016:**



### Reasons for submitting applications to the Planning Committee since September 2018:



- 2.3 In order to be able to draw a clear comparison between the difference in the number of applications before and after adopting the new Delegation Scheme, it is essential to avoid the period of change, namely May 2018 until September 2018 at the very least. In order to draw this comparison, the number of items submitted to the Planning Committee over 15 meetings between December 2016 and December 2017 was compared against the 15 meetings held between December 2018 and December 2019. The number of items submitted to the Committee in 2016/17 was **142** (varying between 5 and 16 items, with an average of 9) and the number of items submitted in 2018/19 was **67** (varying between 3 and 9 items, with an average of 4. Please note that one of the Committees was cancelled in this period).
- 2.4 The changes to the Delegation Scheme have meant that only approximately 6% of all applications are now submitted to the Planning Committee for a decision, instead of the 9% seen under the old delegation scheme. This has enabled the Planning Committee to focus on the largest applications in terms of scale, as well as the most contentious applications. In addition, this has enabled the Planning Service to draw a better comparison with the all-Wales average, as well as the other benefits of releasing officers' time to focus on the 94% of other applications that need a timely decision.

- 2.5 It is likely that the main change seen is that the small applications, which are of no more than a local interest, are not submitted to Committee for the sole reason that 3+ objections have been received. Instead, we have seen that the applications of genuine local interest are either called in by the Local Member(s) or by the Head of Department, rather than by using the old threshold of receiving 3+ objection letters. It is very possible that unless these would have been called in by the Local Member(s), it may well be that the Head of Department would have considered calling them in based on the level and nature of the local interest. The other information is quite consistent, e.g. the old thresholds of floor surface area and 5+ caravans is now addressed by site/building size and the threshold of 5+ houses has remained the same, with the percentage of applications remaining relatively similar despite the change.
- 2.6 From this information, it is possible to conclude that the role of the Local Member(s) and beyond in acting as the barometer of local opinion and for Local Members using their right to call in should there be a genuine local concern, has worked successfully. In addition, once the change to the Delegation Scheme was in place and explained, no concerns or complaints were expressed by residents about the change to the threshold of 3+ objections.
- 2.7 In order to gauge broader views on the impacts and successes of the new Delegation Scheme, we asked for the views of a representation of officers from other Services within the Council that play a key role in the Committee's work. To facilitate this, four questions were asked and a response was received from each Service questioned. The responses followed a common path and themes, and suggestions were also noted. This are summarised below under the question asked:
- 1. The requirements of the work/the impact on their workload compared with the previous situation?**
    - The workload has lightened considerably; there is now less pressure within a tight timetable (three-week cycle). A bulky agenda every three weeks can cause substantial strain.
  - 2. The number of items on the agenda and length of the Committee?**
    - Number of items on the agenda has reduced. The purpose of the change was to reduce numbers in order for the Committee to discuss the important cases in detail. Also, the short time-frame available to prepare for the Committee means that the officers can now focus completely on the important cases.
    - Delegated decision leads to a quicker decision for the customer (which is to be welcomed)
  - 3. Consider experimenting with a reduction in the number/frequency of Committees and how this would affect the relevant Service?**
    - Makes sense to consider fewer meetings, considering the low number.
    - Welcome a reduction in the frequency/number of Committees.
    - Despite an increase in items every four weeks, it would be a Committee of substance.
    - Although there would be more items every four weeks, removing the challenging three-week cycle would be more advantageous and would outweigh this.
    - It would be more cost effective (travelling and refreshments) and make better use of time.

- 2.8 Since the implementation of the new Delegation Scheme, evidence shows that fewer applications are reported to Committee; however, the Delegation Scheme ensures that the applications that need a decision by the Committee are reported to them. It is noted that comments as a result of the consultation on the delegation scheme raises various matters in relation to the Committee's arrangements; however, specific attention is drawn to general comments about the number of applications reported and the number of Planning Committees that need to be held. Currently, 15 Planning Committees are held annually, and it seems that this number of meetings is based on the requirements of the old Delegation Scheme. Considering the number of applications that need to be reported to the Committee by now - it is believed that there are grounds to reduce the number of Committee meetings from 15 a year to 12 a year, but this should be monitored. This seems to make sense in respect of making more effective use of the resources and time of Officers and Members.

### **3. RECOMMENDATIONS**

- 3.1 To continue to implement the statutory consultation procedure and use the new letter templates for consultations and to monitor the situation with the new back office system and review as required.
- 3.2 To continue to consult with the AONB Unit as per the current arrangement.
- 3.3 To continue to provide a programme of relevant training on a regular basis.
- 3.4 To reduce the number of Planning Committees from 15 per year to 12 per year and to monitor how this works over a one-year period and for this to be operational in the next financial year.

### **APPENDICES**

- **Appendix 1:** Report to the Full Council, 3 May 2018
- **Appendix 2:** Planning application consultation letter - statutory consultees/Local Member/Community and Town Council
- **Appendix 3:** Planning application consultation letter - neighbours
- **Appendix 4:** Planning application consultation letter (old version)
- **Appendix 5:** Copy of the web-page showing the 'Weekly List' of planning applications