



Using the Planning System to Conserve and Enhance your Local Environment - Responding to Planning Applications

Adapted from CPRE's Guide 'Responding to Planning Applications'

Introduction

This fact sheet is the last in a series which aim to explain how to use planning controls to defend your local environment. The planning system exists to make sure that the public interest in the environment is properly protected when a new development is proposed. Many developments require planning permission from the local planning authority for the area, which usually involves submitting a planning application. You are entitled to comment on these applications. This fact sheet describes the steps you need to take to present your views on planning applications properly and effectively to the correct people.

Responding to Planning Applications

Planning officers are there to help. Ask them for advice, for example, if after studying the proposal you are still in doubt about what the effect of a development would be or how to interpret a planning application. If necessary, make an appointment to see the case officer in the planning department to discuss a planning application.

The cardinal rules for comments to the planning authority are to make them in writing, to the correct address and within the time allowed. You should:

Stick to planning issues in presenting your comments on a planning application.

itemise development plan policies that support your case and explain how they do so;

indicate ways in which the proposal runs counter to development plan policies;

explain what other planning issues you believe should affect the decision;

avoid referring to topics that have no direct bearing on land use. This rules out matters such as land ownership, the effect of the proposal on the value of neighbouring property, the personal circumstances of the applicant (although this can be a consideration in some circumstances for example agricultural workers), or wholly social issues, such as the effect of the development on crime rates.

Try hard to meet the official deadlines for comments, which must allow at least 21 days from the date when a site notice is put up or 14 days from the date an advertisement appeared in a local newspaper. If necessary, send in a short letter summarising your view within the deadline and follow it up later, with more detailed comments. Late representations may be taken into account, particularly if your views will not cause any delay in the decision, but do not rely on this.

Be clear, concise and accurate. Separate out each point you wish to make. Be courteous, avoid personality issues and stick to the facts of the case. Explain what you want to happen and, where appropriate, suggest suitable conditions you would like to see imposed if the application is permitted. Type your letter if possible.

One objective of sending written comments to the planning authority is to inform the planning officer of the views you are presenting. Your views will be reflected in the report and recommendations the officer will make to councillors, to help them take the decision on the planning application or, if the decision has been delegated to the planning officer, in the decision itself. Different authorities have different arrangements for delegating decisions. You should find out who will decide any particular case, and when, as this will affect what other action you need to take.

Whilst officers of the authority will be interested in the quality of the planning arguments, elected councillors also wish to know the weight to attach to the views expressed. Planning is not an exact science and councillors may judge the issues differently from officers! You should therefore aim to convince councillors that not only are your views acceptable in planning terms, but that there is an important body of support for them. Aim to:

- send councillors either a copy of your letter to the planning officer or a personal letter emphasising the points to which you believe a councillor would be most sympathetic;

- demonstrate the depth and extent of local support.

- Liaise beforehand with other groups such as the communal council, specific organisations consulted by the planning authority, established local organisations, local businesses, schools and community leaders. Remember that they too will only have a few days in which to express opinions on the application.

To ensure that the planning committee members are aware of your written comments you should write to, telephone or even meet councillors personally. Their names, addresses and telephone numbers can be obtained from your local planning authority. The correct councillors to write to and preferably to meet with are those who sit on the committee that will take the decision, but steer clear of any party politics!

Councillors are also responsive to public attitudes, so build support through local newspapers and/or radio. Organised groups should consider issuing a press notice and contacting local journalists.

Further action in due course:

- Examine a copy of the committee agenda with the officer's report on the application as soon as it becomes available, and approach councillors again if there are important points not covered;

- Press for a site visit by councillors if an issue that can only be fully appreciated that way has been given inadequate weight;

Attend the committee meeting. Councillors tend to be more responsive to the electorate's views when the depth of local feeling is made clear to them. Some authorities offer members of the public the opportunity to speak for a few minutes to summarise their views but remember you do not have the right to speak in a meeting)

Involving the National Assembly's Planning Minister

If a planning application is granted the development will probably go ahead. However, if it is refused, the prospective developer may lodge an appeal to the National Assembly's Planning and Environment Minister. Alternatively if the planning authority fails to decide the application within the eight week period allowed by the law, the applicant may appeal (against 'non-determination').

The Planning Minister may intervene at an earlier stage. She/he may decide to take the matter out of the local planning authority's hands altogether ('call in' the application). This normally occurs where there are more than local issues at stake, or where the application is particularly controversial or a test case on a particular subject. Very few applications are called in each year. There are two main ways by which call ins occur:

The local planning authority intends to approve the application, but the proposal would be significant departure from the development plan; the Planning and Environment Minister has to be told about such applications for possible call-in
or

Local people and organisations such as CPRW write to the Planning and Environment Minister (at national Assembly for Wales) explaining why the application raises such important issues that it should be called-in. The support of the local Assembly Member and Member of Parliament is often helpful here.