

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO TOWN AND COMMUNITY COUNCIL FORUM

7 FEBRUARY 2022

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

NEIGHBOUR NOTIFICATION AND TOWN/COMMUNITY COUNCIL CONSULTATION IN THE PLANNING PROCESS

1. Purpose of report

- 1.1 The purpose of this report is to advise Town and Community Council members of the statutory process of notifying neighbours and consulting with Town and Community Councils in the planning application process.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-
1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.

3. Background

- 3.1 Where a valid application for planning permission has been submitted, there is a statutory obligation for Local Planning Authorities (LPAs) to undertake publicity and consultation. The term 'publicity' refers to giving notice that an application has been received so that neighbours and other interested parties can make their views known. 'Consultation' invites the views of specialist bodies on particular types of development.

- 3.2 Most applications for planning permission (excluding some applications that fall within section 73) must be publicised in accordance with article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order (DMPWO) 2012 (as amended).

The DMPWO makes provision for 4 basic types of publicity:

- Site notice display on or near the land to which the application relates
- Publication of a notice in a newspaper circulating in the locality
- Serving notice on any adjoining owner or occupier
- Publishing information on an LPA website

- 3.3 LPAs have discretion over how they inform communities and other interested parties about planning applications, although article 12 of the DMPWO sets out the minimum statutory requirements.

- 3.4 Article 14 of the DMPWO requires LPAs to consult relevant specialist consultees when the proposed development meets a 'Description of Development' listed in schedule 4 to the DMPWO.
- 3.5 Section 54 of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act) places a duty on specialist consultees to respond, providing a 'substantive response' to consultations within 21 days, and report annually to the Welsh Ministers in meeting this duty. The 21 day period starts from the date on which the notice is received by the consultee.
- 3.6 Where a local planning authority are required to consult any person or body before granting planning permission:-
- (a) they must, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and
 - (b) they must not determine the application until at least 14 days after the date on which notice is given under sub-paragraph (a) or, if earlier, 14 days after the date of service of a copy of the application on the consultee by the applicant.
- 3.7 The local planning authority must, in determining the application, take into account any representations received from a consultee, such as Town and Community Councils.
- 3.8 Under Article 16 of the DMPWO, where the council of a community are given information in relation to an application, they must, as soon as practicable, notify the local planning authority who are determining the application whether they propose to make any representations about the manner in which the application should be determined, and must make any representations to that authority within 14 days of the notification to them of the application.
- 3.9 A local planning authority must not determine any application in respect of which a community are required to be given information before:-
- (a) the council of the community inform them that they do not propose to make any representations;
 - (b) representations are made by that council; or
 - (c) the period of 14 days mentioned above has elapsed,
- whichever occurs first; and in determining the application the local planning authority must take into account any representations received from the council of the community.

4. Current situation/proposal

- 4.1 At Bridgend County Borough Council, we go beyond the minimum statutory requirements for notifying neighbours. For example, on simple applications for a house extension, whilst the Order states that we should give requisite notice by site display in at least one place on or near the land to which the application relates for not less than 21 days; or by serving the notice on any adjoining owner or occupier, we tend to do both and we also tend to extend the notification to a wider range of neighbouring properties.
- 4.2 We also go beyond the minimum 14 day deadline for receipt of representations from Town and Community Councils (we allow 21 days). If the Town or Community

Council cannot meet that deadline (e.g., occasionally the next Council meeting is not until after the statutory period), we regularly agree extensions of time.

- 4.3 It has been proposed by individual Community Councils and the Town and Community Council Forum that the LPA should send copies of neighbour objections to them for the Councils to ascertain the strength of local feeling.
- 4.4 Unfortunately, we are not be able to forward any neighbour comments on to the Town and Community Councils (TC)/Community Councils (CC) as that would be a breach of the General Data Protection Regulations (GDPR). Even if we had the neighbour's consent to forward their representation on to the TC/CC, we do not have the time or resources to redact each submission of personal information before doing so.
- 4.5 It should also be noted that the consultation process seeks the Town or Community Council's opinion on an application as a statutory consultee and not a duplication or repeat of a resident's view. In addition, the consultation and notification processes are undertaken concurrently, and we cannot delay the process due to the statutory targets for determination (8 weeks for normal applications and 16 weeks for Environmental Impact Assessment developments).
- 4.6 However, as an alternative suggestion, Town and Community Councils could approach and advise their residents that they can, if they wish, send a copy of their representation on any planning application to the Community Council at the same time as they respond to the LPA.

5. Effect upon policy framework and procedure rules

- 5.1 The statutory town and country planning system is governed by the Town & Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, the Planning Wales Act 2015 and various regulations as mentioned above.

6. Equality Act 2010 implications

- 6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this report.
- 6.2 As part of the wider statutory planning process the effective management of land and its change seeks to help to eliminate inequality and disadvantage in people's lives. This has been reflected in the recently published Planning Policy Wales 11 (PPW11), which aligns the planning system with other key Welsh Government strategies including the Well-being of Future Generations Act 2015 and the Socio-Economic Duty.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 Any changes to policy or procedure will be prepared in accordance with the 7 Well-being goals and the 5 ways of working as identified in the Act.

8. Financial implications

8.1 The report is for noting and current procedures are carried out within existing budget headings.

9. Recommendation

9.1 That the Town and Community Council Forum notes the report.

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Background documents: None