



Eich cyf/Your ref P-05-843
Ein cyf/Our ref JJ/05003/18

David John Rowlands AM
Chair - Petitions committee.
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Dear David,

Thank you for your letter of 31 October, regarding Petition P-05-843 - More Third party rights in planning appeals.

Current arrangements for publicising planning applications are proportional to the scale of the development. Direct neighbour notifications are useful when planning impacts are limited in extent, such as householder applications where the main impacts are overlooking and over shadowing. For larger applications, the identification of individuals affected by proposals becomes more difficult.

The law requires Local Planning Authorities to identify how the public interest is affected by proposals. While the Courts have ruled individual circumstances can be part of the public interest, this has limits to its application and there would be practical limits to detailed assessment of impacts on individuals before the task would become unmanageable.

The same principle is relevant to the identification of impacts for the purpose of publicity. Comments are welcomed from anyone regarding how the public interest would be affected by a development proposal but it is unrealistic to expect Local Planning Authorities to identify every single possible impact someone might experience, for the purpose of writing to them.

The current publicity arrangements rely to a great extent on word of mouth to advertise proposals. While this may mean some individuals remain unaware of proposals, the planning system is based on the principle elected members are there to represent their interests and interpret how the wider public interest is affected.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Decision notices issued by Local Planning Authorities are sent directly to applicants and contain information relevant to them. It is therefore not appropriate to include information to assist third parties. It is however important to ensure the public is able to access information on this issue. An internet search for the term 'challenge planning decision' will return relevant information from an England perspective. I will therefore ensure the Welsh Government website holds clear information for the public to understand how to challenge planning decisions through the Courts and encourage Local Planning Authorities to do the same.

The time limit on seeking Judicial Review is there to protect those who rely on the decisions made by Local Government. The Courts is a reserved matter so it is a matter for the UK Government to determine the timescales related to submitting legal challenges.

Community Action Groups have the same rights to contribute their views as any other member of the public. It is for each Local Planning Authority to decide how it will interact with community groups. Many Authorities allow public speaking at their committee meetings.

Consideration should always be given to the planning issues which arise which affect vulnerable people. It is for the decision maker in each individual case to decide what weight to give each material consideration, including those raised by Community Action Groups.

I agree greater engagement at pre-application stage is required. My officials are currently working with the Royal Society of Architects in Wales and the Royal Town Planning Institute Cymru to look at how the pre-application stage could work better.

I reiterate my comments about third party rights of appeal given in my last letter. While the Group disagrees with the conclusions of their elected members in this case they have the opportunity not to re-elect them in future.

Yours sincerely,



Julie James AC/AM

Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government