

Appendix 2: Consultation Report

- A2.1 As per the resolution of the Scrutiny Committee at its July 2019 meeting, the Service has carried out a consultation on the draft planning compliance charter (“the Charter”) with City, Town and Community Councils. This report summarises the consultation process and the consultee responses received.
- A2.2 Each of the City, Town and Community Councils was provided with a copy of the draft Charter and invited to provide comments. The document was circulated among consultees by post or, in instances where the Service had an email address for the City/Town/Community Council, by email. Further copies were provided by post upon request.
- A2.3 The Service initially intended to run the consultation from the 10th October 2019 to the 31st October 2019, but extended the consultation deadline to the 5th December 2019 in response to consultee concerns. This means that the draft Charter was subject to a consultation period of eight weeks.
- A2.4 Table 1, below, summarises the responses we received from consultees. None of the submitted representations was received in Welsh.

Table 1: Table of consultee responses (continues overleaf)

Consultee	Relevant consultee comments	Summary of consultee response	Service response	Recommendation
Denbigh TC	Denbigh Town Councillors have passed a resolution to adopt the charter, no amendments required.	No amendments to the charter required.	Comment noted.	No action required.
Llanfair Dyffryn Clwyd CC	2.1 Reference to national and to Denbighshire planning technical advisory and other documents is welcomed. The need to consider any proposed development in the light of best practice should be a key consideration. For example, Llanfair DC welcomes the DCC Supplementary Planning Guidance on Caravans, Chalets & Camping which has helped inform comment on proposals and to encourage best practice.	Reference to national and to Denbighshire planning technical advisory and other documents is welcomed.	Comment noted.	No action required.
		Welcomes and agrees with the definitions set out in the draft charter relating to the role of planning and development control.	Comment noted.	No action required.

Consultee	Relevant consultee comments	Summary of consultee response	Service response	Recommendation
	2.2 Llanfair DC Community Council welcomes and agrees with the definitions set out in the draft charter relating to the role of planning and development control.	Clarification of what can and cannot be covered by Development Control is welcomed and broadly agreed with.	Comment noted.	Expand the relevant section so as to provide further clarification.
	2.3 Clarification of what can and cannot be covered by Development Control is welcomed and broadly agreed with.	Would welcome the opportunity to engage more closely with Council planners to develop place specific controls.	Comment noted.	No action required.
	2.4 Llanfair DC Community Council welcomes the comments in the charter setting out the role that it can play in encouraging responsible development. There have been a number of instances where Community Council involvement with proposed changes has resulted in good outcomes. For example, where tree felling was proposed at Silver Birches the Community Council was able to encourage a more environmentally friendly approach which resulted in a better approach. The Llanfair DC Community Council would welcome the opportunity to engage more closely with Council planners to develop place specific controls. The Conservation area in Llanfair DC is an obvious example and with the move of pupils from the old school in late 2019 there is both a need and an opportunity to shape this place for the future.	Agrees with the hierarchical approach proposed to deal with alleged reported breaches.	Comment noted. This approach is determined by the Welsh Government's Development Management Manual in any case.	No action required.
	2.5 Llanfair DC Community broadly agrees with the hierarchical approach proposed to deal with alleged reported breaches.	We would seek to agree at an early stage with the Council the extent of harm from any proposal such that expectations over how matters will be dealt with are understood. Given the timescales set out in section 2.1.1 of the draft charter, it is important that matters are dealt with expediently and that clarity is provided.	The idea of agreeing the degree of harm—and thus the priority with which the case will be handled—has theoretical merits but would be problematic in practice. It is often not possible to determine harm/priority without some degree of investigation. The Authority would also not wish to encourage false expectations of case-handling timescales, which are dependent on existing workloads as well as the intrinsic harm of the unauthorised development concerned.	Make the list of breaches within the charter more detailed and exhaustive, in order that stakeholders may understand the priority with which a given case is being treated.
	2.6 The draft charter states “The pivotal issue for the Council is whether the unauthorised development is unacceptably affecting public amenity. It is not an			

Consultee	Relevant consultee comments	Summary of consultee response	Service response	Recommendation
	appropriate use of Council resources to take action against a trivial or technical breach which causes negligible harm to public amenity." Llanfair DC would seek to agree at an early stage with the Council the extent of harm from any proposal such that expectations over how matters will be dealt with are understood. Given the timescales set out in section 2.1.1 of the draft charter it is important that matters are dealt with expediently and that clarity is provided.			
Llangollen TC	City, Town and Community Councils only have a legal right to ask for copies of planning applications to comment on the merits of the same. Therefore, having considered the document in detail, Members consider the comment contained in the highlighted text box on page 10 "Help us to help you...Try to reach an amicable solution before reporting the matter to us" falls outside the remit of the City, Town and Community Councils and should be deleted.	Members do not consider that they should have responsibility to carry out the tasks listed under section 2.2 of the draft charter, "The role of complainants", namely: <ul style="list-style-type: none"> • Try to reach an amicable solution before reporting the matter to us; • If it's necessary to report the breach to us, use the designated form; • Provide evidence; • Monitor the situation; and • Wait for updates. 	While the Authority recognises that City, Town and Community Councils are not obligated to assist the Authority on planning compliance matters, it is considered that working together results in better outcomes, for the benefit of all involved. Concerns about providing assistance have not been raised by any other City, Town or Community Council, and given that this view is in the minority, the Authority does not propose to change the charter in response.	No action required.
Ruthin TC	Members were pleased to receive the report, and felt that it was clearly laid out and outlines everything clearly. They did not wish to suggest any amendments, and it was resolved to accept the draft Charter.	No amendments to the charter required.	Comment noted.	No action required.

A2.5 Of the consultee responses received, most were broadly positive and welcomed the introduction of the Charter. As Table 1 demonstrates, the Service has made changes to the draft Charter in two areas in response to the consultation:

- 1) The section regarding what the planning compliance function can and cannot do has been expanded so as to provide further clarification; and
- 2) The section listing types of breaches and how they are prioritised has been made more detailed and exhaustive, in order that stakeholders may understand the priority with which a given case is being treated.

In addition to the above, some further minor textual changes have been made; these are highlighted in the draft Charter provided in Appendix 1.

A2.6 Llangollen Town Council members expressed their view that they should not have responsibility to carry out the tasks listed under section 2.2 of the draft Charter. While the Service recognises that City, Town and Community Councils are not obligated to assist the Council on planning compliance matters, it considers that working together results in better outcomes, for the benefit of all involved. Given that the view of Llangollen Town Council members is in the minority—concerns about providing assistance have not been raised by any other City, Town or Community Council—the Service does not propose to change the Charter in response.