

Infrastructure 45, Planning Aid Wales

Senedd Cymru | Welsh Parliament

**Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change,
Environment, and Infrastructure Committee**

Bil Seilwaith (Cymru) | Infrastructure (Wales) Bill

Ymateb gan Cymorth Cynllunio Cymru | Evidence from Planning Aid Wales



Planning Aid **Wales**
Cymorth Cynllunio **Cymru**

Written Submission to the Climate Change, Environment and Infrastructure Committee regarding the Infrastructure (Wales) Bill

22nd August 2023

1. This submission is made by Planning Aid Wales to the Climate Change, Environment, and Infrastructure Committee as part of its scrutiny of the Infrastructure (Wales) Bill in advance of the organisation's participation in a committee panel on 20th September 2023.

About Planning Aid Wales

2. Planning Aid Wales is a charity that supports community engagement in the planning process in Wales. We provide a range of information, advice, training and support services that meet these aims. More information about our work is available at: <https://planningaidwales.org.uk/about-us/our-work/>
3. Planning Aid Wales' mission is *"for all the people of Wales to be able to fully and effectively participate in a fair, transparent and responsive planning system"* and we strive to apply our values of *Innovation, Inclusion, Collaboration, Independence* and *Enabling* to all of our work.
4. Planning Aid Wales is funded by the Planning Division of Welsh Government to the sum of £121,500 per annum. This funding facilitates the provision of a range of services that benefit members of the public, chiefly:
 - i). A Planning Helpline. Subject to eligibility, the helpline addresses questions around the planning process raised by members of the public. This service is delivered via a network of planning volunteers throughout Wales.
 - ii). Programmes of training courses and mini conferences to raise awareness and build understanding of planning matters amongst

community and town councils, third sector organisations, community groups and individuals.

- iii). Information and awareness raising services – including easy-to-read guidance on all aspects of the planning system via our website and regular our bi-monthly newsletter *Planning4communities*.
5. In addition to our Welsh Government funding, Planning Aid Wales also undertakes projects and commissions that meet our charitable objectives. These activities primarily facilitate community engagement and community involvement in plan-making on behalf of Local Authorities, guidance and support on the production of Place Plans for Community and Town Councils and early-stage site engagement on behalf of Registered Social Landlords.

Planning Aid Wales' Submission

6. As an organisation committed to supporting community engagement in the planning process, our submission will be limited to such matters. This submission is based on three elements:

- i). A summary of exemplar issues raised by members of the public in relation to infrastructure applications via the Planning Aid Wales Helpline.
- ii). Feedback from our own officers on their experiences in working with members of the public in complex planning matters.
- iii). The findings and recommendations made by our research on '*The Value of Engagement in Planning in Wales*', published in 2021.

i) *Issues raised by members of the public regarding infrastructure applications*

7. The Planning Aid Wales helpline service is our longest-running service and currently administers on average 250 cases per year.
8. Most of these cases relate to planning application matters with a small percentage relating to infrastructure schemes. The following summarises the issues raised by members of the public with respect to larger scale development / infrastructure / Developments of National Significance.

Matters relating to impact of the development:

- Pollution / environmental impacts
- Noise / safety / public health impacts
- Scale & size of development

- Unsightly / blot on landscape etc.
- Proximity to residential addresses

Matters relating to process:

- Unclear identification / concern over selection of sites in *Future Wales – The National Plan 2040* & feeling that ‘hands are tied’ by the time the public become aware.
- Poor / incomplete advertising of applications / consultation not advertised widely enough.
- Process is not transparent / information being withheld.
- Feeling of inability to fully participate in process due to its complexity.
- Feel unequipped to challenge e.g. developer reports due to costs of financing independent reports / legal advice.
- Distrust of Local Planning Authority to make a fair decision.

9. It should be noted that the above issues are not necessarily applicable to every enquiry and represent feedback from a selection of cases. Concerns over fairness of process can often outweigh specific concerns relating to the development; this is true in much of our casework.

ii). *Feedback from Planning Aid Wales officers on their experiences in working with members of the public in complex planning matters.*

10. Planning Aid Wales recognises that infrastructure proposals can be amongst the most controversial applications due to their size, scale and potential impacts on the environment and landscape. Given their size, public awareness of them is likely to be higher and are likely to attract larger scale objections, petitions and campaigns. In some respects, this is unavoidable, although it should be recognised that these views are not necessarily indicative of the views of an entire population. Some of the key issues our staff encounter in relation to infrastructure and other complex matters are summarised below:

- i). Timing of engagement. The most prominent / focused consultations normally occur late in policy allocation and development design cycles. Infrastructure and major developments are normally identified and / or allocated in development plans (Future Wales and Local Development Plans). As a consequence, the principle of whether a scheme should be permitted or not is often established before the wider public are aware of

it. When the Pre-application Consultation (PAC) / planning application consultation arrives and public awareness increases, the public feel aggrieved that they are unable to challenge the principle of the development. Similarly, the PAC process occurs after developers have invested in design and are less likely to make changes following the PAC consultation – in both scenarios more front-loaded engagement would be beneficial.

- ii). Principles vs details. National Infrastructure debates can sometimes get bogged down in the principle issue ('wind turbine or no wind turbine') and other important community issues sometimes get marginalised, such as the need for support networks, traffic and maintenance generation etc. There also seems to be a disconnect to regular objections raised over a *lack of infrastructure* with respect to housing applications – although this tends to be understood more as healthcare, education and water / sewerage provision rather than energy generation and transport infrastructure.
- iii). Understanding of process. When discussing infrastructure schemes with the general public there is confusion in relation to process. Whilst there is a general understanding of planning applications and who makes the decision i.e. LPA, the current process for national infrastructure projects is not well understood. As a consequence, there are problems engaging or being able to participate fully in the process.
- iv). Understanding technical information. Information can be very long and very technical in relation to major development and infrastructure development. Even non-technical summaries are hard for lay people to understand. There have been initiatives in policy development consultations to produce 'easy read' versions of documents which are not necessarily provided in relation to large infrastructure schemes.
- v). Feedback. As with other forms of development, there is a lack of meaningful feedback on consultations and engagement undertaken. It is often not enough to refer to PAC reports or application reports as a form of feedback, as members of the public are not often aware of their existence. As an example, members of the public do not necessarily understand that objections on non-material considerations can be excluded from consideration. It is important people know their views have been heard even if a different decision is made and why that decision is made; without doing this there is a continuous cycle of distrust – "Why bother? They didn't listen to us last time" is one of the more common pieces of feedback Planning Aid Wales receives from the public.
- vi). Competing legislation / policy. Conflict between issues such as climate emergency and nature emergency. e.g. the Solar Farms on the Gwent

Levels. Powerful arguments are made for the benefits of the renewable energy resource, at the same time powerful arguments are made to protect naturally important areas such as the Gwent Levels. Similarly, many concerns have been expressed that the principles of the Well-being of Future Generations Act is not being adequately considered in planning matters - it is often difficult to understand the nature of planning and to balance these sorts of judgements.

iii) *The findings and recommendations made 'The Value of Engagement in Planning in Wales'.*

11. Undertaken during 2020, this research involved an academic literature review, stakeholder surveys, focus groups and interviews to explore the value of community engagement in the entire planning process in Wales with a view to improving practice. The key findings of the report were:

- i). 'Community engagement' is used interchangeably with 'community involvement', 'participation' and 'consultation' and is ill-defined.
- ii). The perceived value of engagement varies by sector (government, developers, and public), although all sectors agreed on its importance, despite of poor performance in delivering engagement (see Audit Wales' report on the *Effectiveness of Local Planning Authorities in Wales, 2019*).
- iii). Principles to encourage positive outcomes in engagement include '*starting early*', '*building trust*', '*clarity of process*', '*managing expectations*' and '*providing clear feedback*'.
- iv). Barriers to effective engagement propagate distrust, misunderstandings and low participation in the planning process. These include:
 - a. Low awareness of process
 - b. Public apathy, often based on past negative experience
 - c. Negative perception bias on the scope of the process
 - d. A technical process bias that can obfuscate meaningful engagement
 - e. Disjointed, narrow and limited engagement practice, often focused on 'box-ticking'.
 - f. Negative elected member perception
 - g. A need for better definition on the nature, terms and scope of engagement.

- v). There is a need for further guidance, training, case studies, support services, celebrations and leadership in community engagement in order to improve practice.
- vi). The research concludes with a wide range of recommendations to improve practice – see <https://planningaidwales.org.uk/wp-content/uploads/2021/07/Summary-Report-Value-of-Engagement-in-Planning.pdf> for further information.

Conclusion

12. The majority of Planning Aid Wales' work is at the interface between planning and members of the public; we only comment on changes to the planning system that affect the way this interface is delivered. In many respects the *Infrastructure (Wales) Bill* will provide greater clarity and certainty on aspects of infrastructure decision-making in Wales which is currently difficult to understand.
13. Planning Aid Wales recognises that legislative change is not always the most appropriate tool to address the concerns highlighted in our submission. However, we are also of the view that non-legislative interventions such as policy and guidance can only go so far in delivering positive change with respect to community engagement and building trust. Ultimately, greater front-loading of engagement and provision of meaningful feedback in all parts of the planning process is necessary.
14. We will be exploring these matters and the Infrastructure Bill further with representatives of members of the public in an online conference to be delivered jointly with One Voice Wales on 24th October. Any proposed legislative interventions or recommendations discussed will be submitted to the Planning Division at Welsh Government thereafter.