



Lammas Low Impact Initiatives Ltd

The Process

Lammas' experience with
Pembrokeshire County Council Planning Department

13th November 2008



Lammas wrapped up in red tape outside County Hall, Haverfordwest

Research compiled by Paul Wimbush, Lammas project coordinator

Research commissioned by Science Shops Wales, in response to a request from a civil society organisation

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Introduction and Scope of Report

The Lammas project began in August 2005 and one of its very first undertakings was to play an active part in the consultation for the SPG (Supplementary Planning Guidance) of Policy 52 of Pembrokeshire's Joint Unitary Development Plan (JUDP). Indeed, some of the text and concepts used within the SPG were written by Lammas, including the principles behind the sustainable livelihood requirement (19) and the methodology behind the 75% "household needs met from land-based activity" calculation.

In fact the Lammas project came into being as a result of the emerging Policy 52 and was developed to create a flagship project that would highlight the opportunity afforded by the new JUDP to allow people to build low-impact homes and create sustainable lifestyles from the land. The eight criteria specified within the policy were used as a starting point for the Lammas project. It has, as such, been designed from the outset to wholly comply with Policy 52.

The SPG for Policy 52 "Low Impact Development: Making a Positive Contribution" describes dealing with the authorities as a "process" (point 3) and goes on to suggest that a dialogue will take place (points 4-6).

This document is an attempt to shed light on how the "process" has been for us. It has been designed to provide a comprehensive overview of events and as such does not address the planning merits of our proposal, which are considered in exhaustive detail elsewhere. It does highlight what we consider to be important points concerning the progress of our planning application through the planning system.

Pre-Application Meeting

In mid-December 2006 Lammas submitted a formal request for a pre-application meeting with PCC about a proposed low-impact development at Pont-y-gafel farm, Glandwr.

After four months of lobbying, a pre-application meeting was finally arranged for April 2007. The meeting was held in County Hall, Haverfordwest and was attended by four Lammas representatives, David Lawrence (head of planning) and Peter Sedgewick (forward planning, co-author of Policy 52).



*The Lammas representatives outside County Hall
Pre-Application meeting, 26th April 2007*

At this meeting it was agreed, amongst other things, that a conventional agricultural assessment would be wholly inappropriate for an application under Policy 52. Lammas was assured that if any assessment was going to be employed, that it would be done so by people who were familiar with Permaculture and Low Impact Development and it would not be based on conventional agricultural criteria.

It was also agreed that Mr Lawrence would facilitate a meeting with Highways if one was necessary, and that Lammas would not include educational courses in its 75% calculation at this stage (- an agreement which Lammas adhered to).

The notes from this meeting and the minutes for this meeting (in the form of a letter to PCC) are included in the Appendices. Peter Sedgewick later confirmed that the meeting notes were a fair representation of the meeting. David Lawrence never replied to the letter, (in our experience Mr Lawrence rarely replied to any correspondence).

Further Dialogue

The original planning application was submitted in June 2007 and contained over 800 pages of text and 200 drawings. It was delivered (in quadruple copies, as requested by PCC) by wheelbarrow to highlight the administrative feat we were being asked to present. It was noted at the SPG consultation meeting that Low Impact Development is a practical grassroots approach to highly sustainable development in which ordinary people skilled in establishing sustainable livelihoods are enabled to do so. As such, it is widely accepted that a more flexible and empowering approach to planning is required for the planning system to embrace Low Impact Development (Pickerill and Maxey, 2008; Halfacree, 2006; UWE/Land Use Consultants, 2002). In short, those people who are good at setting up sustainable, land based livelihoods are often not best suited to creating long and detailed business plans as they often lack the temporal and material resources this requires. It is precisely this need for a more flexible and supportive approach from the planning system that led to the SPG's points 3-6 describing an on-going 'process' involving dialogue. However, the failure of PCC to embrace this in its implementation of P52 can be seen throughout the experiences described in this document.

From June 2007 until October 2007 Lammas requested additional meetings with David Lawrence, our case officer, about the planning application to no avail. In our experience it was extremely difficult to communicate with David Lawrence. We were, however, repeatedly assured by him that our application would be recommended for approval, and that should any issues arise then he would let us know. Five days before the planning committee meeting we were told that our application was being recommended for refusal. This was a complete reversal of what we had been led to expect throughout all our attempts to maintain dialogue with PCC. For example, at the pre-application meeting both David Lawrence and Peter Sedgewick raised some minor concerns about issues such as our monitoring mechanisms and we quickly and thoroughly addressed all such concerns raised and then sought to check with PCC that our amendments were satisfactory.

The report to committee (October 2007) recommend refusal on grounds which David Lawrence had at no point raised with us, at the pre-application meeting or subsequently. Furthermore, it was misleading, factually incorrect and wholly misrepresented our application. We lobbied for a deferral to challenge the evidence against us and were not given any opportunity to present our case.

The application was refused on October 9th 2007 primarily on grounds of insufficient data. We were denied any opportunity to speak at the planning committee meeting. Given the level of personal and financial resources that had gone into the application and the need for a more flexible, inclusive and empowering approach from the planning system to embrace Low Impact Development, this was wholly unsatisfactory.

Lammas then spent 6 months rewriting the entire application in response to the October 2007 planning report to committee.

During this period (October 2007 to March 2008) we were advised that meeting with PCC planning department was inappropriate because there was, in effect, nothing to discuss until we resubmitted our application.

On March 11th 2008 Lammas resubmitted its planning application. It was now 1185 pages, and included over 250 scale drawings, over 60 financial spreadsheets and was supported by 2 scale models.

Following the SPG's advice, we continued to lobby for a meeting to discuss our application until June 2008 at which point we gave up any hope of a further meeting as a lost cause.

Design Commission for Wales

Lammas requested a review from the Design Commission for Wales, which was granted and set for April 2008. Representatives of the Design Commission emphasised to us the importance of the role of the Commission in creating a forum for productive dialogue between applicants and planning officers. They were particularly keen that our case officer attended.

On 12th March we invited our Case Officer along to the review. We had been asked by representatives of the Design Commission for Wales to confirm persons attending by April 2nd. We encountered considerable difficulty in getting a commitment from PCC that our case officer would attend the meeting. It was finally acknowledged that he would attend at the eleventh hour following direct intervention by the Design Commission for Wales.

The Design Commission Review was held on April 16th and Lammas presented its two models and a slideshow presentation. A lengthy discussion between all parties was subsequently held, with our lead Design Commission Panelist describing Lammas as "the most inspiring project he had ever seen in all his time at the Design Commission."

A written report (Design Commission for Wales, 2008) was produced on the 29th April and sent to PCC Planning Department as a consultation document for the planning application. The report describes the Lammas application as "a significant and inspiring project" and encourages the Local Authority to support and work with Lammas so that the project can succeed and become an exemplar of Low Impact Development.

The Design Commission's report was not even mentioned in the Pembrokeshire County Council's report document to the planning committee.

Sample correspondence

Below is an indication of the level of dialogue which Lammas has experienced. It documents the relevant correspondence between Paul Wimbush (PW, on behalf of Lammas) and PCC Planning Department between March 2008 and August 2008.

11 March

Lammas Planning Application submitted with a letter to the case officer requesting a meeting to discuss the application and requesting that the application be dealt with within the standard 8-week period.

12 March

Lammas wrote to PCC head of planning about the Design Commission for Wales (DCFW) meeting requesting that a provision be made for our case officer to attend.

27 Mar.

Having had no reply, PW phoned PCC. Spoke to Stuart Longhurst (SL). SL informed PW that the application has just been printed and is being assigned a “number” that afternoon; probably going to David Poplewell (DP). DP on holiday until Monday. PW explained about the DCFW, the importance of our case officer attending and DCFW’s need to confirm attendees for the meeting by April 2nd.

PW e-mailed SL requesting confirmation of PCC representative attendance at DCFW

PW phoned Peter Sedgewick (PS) – explained about DCFW – PS said he would e-mail around the PCC planning department.

28 Mar

Having had no reply, PW phoned SL – SL hadn’t received e-mail from Lammas (the wrong e-mail address is on the PCC website). SL gave PW a ‘case number’ for the planning application.

31 March

PW e-mailed DP. No reply

PW Phoned PCC. Spoke to DP. (again, wrong e-mail address on PCC website). DP had heard of DCFW meeting. He had been told to look further into it (by Alf Williams (AW)). To avoid ‘prejudice’ – someone else would probably be sent (junior clerk) from department. DP assured PW that he would respond with an answer by 2nd April.

PW phoned DCFW chief executive (Caroline Davis). She assured PW that it was common practice for case officers to attend, and had never heard of a planning authority questioning this procedure. DCFW resolved to contact PCC about the situation. PW e-mailed DP explaining and referencing DCFW conversation.

Wednesday 2 April

Having had no confirmation of DCFW attendance,

2.30pm. PW Phoned PCC. Spoke to Chris Wilks (CW). DP on holiday till Monday. CW will chase up and get back to me today.

4pm. CW called to say they don’t have a home telephone number for DP, though the head of department Stephen Hurr (SH) is happy for him to attend the DCFW meeting. He assured me that DP would ring first thing Monday morning.

PW e-mailed DP explaining that we have reserved him a place and could he confirm asap.

Monday 7 April

Having had no response from DP,

10 am. PW Phoned DP

He hadn’t heard from Chris Wilks.

DP said he would look into it today and if okay with (his boss), will confirm. Either way he will get in touch with the DCFW today and ring me back today!

PW suggested meeting before the DCFW Review to discuss the application (suggested 9th April) – DP declined.

DP phones PW and confirms DCFW meeting.

16 Apr.

Design Commission Review attended by various Lammas representatives and DP.

PW talked with DP, requesting a meeting. DP said he would be ready for a meeting to discuss application in 2 -3 weeks.

30 April

PW phoned DP. He said he was still not ready to meet and that he would contact PW within 2 weeks to arrange a meeting.

12 May

Lammas sent DP a letter about updated planning info. Including a supplement to Appendix 11 (following a U-turn in policy by Mr James Slowgrove of the Environment Agency.)

14 May

Having had no contact from DP about promised meeting,

4.30pm. PW Phoned DP – not there, left office early

5.15pm. PW Sent DP an e-mail expressing frustration at lack of dialogue

15 May

2.30pm PW Phoned DP – not there – left a message for him to call me asap (with home and mob numbers)

16 May

4.40pm PW Phoned DP. Not there. Left another message for him to call me asap (with home number)

20 May

Still having had no response from DP about the agreed meeting,

9.20am PW Phoned DP. Not at desk. Left a message for him to ring back asap

10.10 am. PW Phoned DP. Talked. DP said he wanted more time so that he could send application to ADAS for consultation and that he wouldn't divulge what the other issues were.

He repeatedly said that he would write to Lammas by 27th May. He suggested that dialogue (and thus a meeting) at this stage was inappropriate.

PW E-mailed DP requesting clarification on a point of discussion.

2 June

Having had no communications from DP,

PW e-mailed DP explaining we have received no letter and asking what is happening.

6 June

Lammas received letter from DP requesting time extension.

8th June

PW received e-mail from DP confirming letter requesting time extension.

10 June

Lammas wrote to DP confirming time extension until 31st July.

PW Telephoned DP. Had a 25 minute talk. DP said they would consider all e-mails/ representations until the report to committee was written, and they still can't find missing letters of support (20 letters of support had been submitted to Pembrokeshire County Council on 18 April 2008, and had on further investigation on Lammas' part, been lost). He said PCC had decided not to consult ADAS or raise any new issues for this application. DP stated that he saw no reason why our case should not go to committee on July 8th.

19 June

PW Telephoned DP. Not in. Spoke with Chris Wilks who said that Lammas was not on July 8th agenda.

20 June.

PW Telephoned DP. DP confirmed that we would have a full decision on July 31st. That in his view a site visit wouldn't be necessary. Agreed that he would show pictures of the model at the presentation.

14 July

Having had no communication from DP about our case,
PW Telephoned DP. Asked when the agenda for July 31st would be written. Was told that they were waiting for consultation feedback and were not sure whether our application will go to July 31st, and may well be asking for deferral until September. DP had sent application to ADAS for review on instruction from superiors, despite previous decision not to. I explained that Lammas was not in a position to wait any longer and so would need to consider appealing on non-determination. He made a commitment to contact me by Friday 18th July.

23 July

Having had no contact from DP,
PW Telephoned DP. Informed that the application was now not going to planning meeting 31st July, PCC were awaiting ADAS report, expected on 28 July.

4 Aug

Lammas wrote to PCC re change in Lammas' address.

12 Aug.

PW telephoned DP. DP said that "he was happy that we had met 7 out of 8 criteria" and that there was "one last hurdle", namely the ADAS report. This was now expected 15/18 Aug.

15 Aug

Lammas wrote to DP expressing concern at lost letters of support and requesting opportunity to view all letters received. Also expressing concern stemming from the conversation a member of our team, Nigel Lishman (NL) had with Aled Roberts from ADAS (on 15th August 2008). NL had been clearly told that the brief given to ADAS by PCC was to assess the planning application "on conventional agricultural criteria with no reference to Permaculture". Lammas' letter explained that this was entirely contrary to the approach agreed at the pre-application meeting.

19 Aug

Having had no response,
PW Telephoned DP. Not in. Back in tomorrow

20 Aug

PW Telephoned DP. Not in. Try on Friday

22 Aug

PW Telephoned DP

Not at desk. Message from DP– yes Lammas representatives can come and see files on 4th Sept.
No ADAS report received yet.

27 Aug.

PW Telephoned DP. On leave this week. Spoke with Chris Wilks. Informed that Alf Williams has now taken on the case and is writing report to committee. ADAS report has been received by PCC. PCC not able to disclose content. Confirmed that ADAS and all other reports/ letters will be available on 4th Sept.

This catalogues a 6 month period. It is fairly representative of the level and quality of dialogue throughout the 23 months that we have been working with PCC.

Sustainable Development Strategy

Pembrokeshire County Council's Sustainable Development Strategy (PCC, date unknown) includes the statements:

The Council will seek to:

- *Continue to seek ways in which to reduce our emissions of CO₂ to the atmosphere and fulfil our commitment to the Welsh Commitment to Address Climate Change.*
- *Raise awareness of Sustainable Development and encourage the community to undertake projects that will enhance the quality of their lives and their local environment.*

As a 100% not for profit, community enterprise dedicated to sustainable development, reducing CO₂ emissions, addressing climate change, and enhancing the quality of lives in the local environment, we have received no encouragement or support from Pembrokeshire County Council. Indeed in direct contravention of the PCC sustainable development strategy, our initiatives in this direction have been consistently hindered and held back by PCC Planning Department.

The ADAS Report

The ADAS report on the Lammas proposal was dismissive, which is understandable given that it was a conventional agricultural assessment of a collective of low-impact, permaculture smallholdings.

Assurances by the head of PCC planning department (David Lawrence) and co-author of Policy 52 (Peter Sedgewick) that our application would only be assessed by people fully briefed in Permaculture and Low-Impact Development had been given with good reason and were subsequently completely disregarded.

Further enquiry into the ADAS brief and the authors credentials revealed that our application was assessed by people who, by their own admission, have no training or direct experience in Permaculture or Low-Impact Development with a brief to conduct a conventional agricultural assessment¹.

Neither authors visited the site, however Aled Roberts asserts that he drove past the site and observed it from various road vantage points². This seems somewhat questionable given the fact that the vast majority of the land in question is simply not visible from any nearby roads.

In addition the ADAS report to Pembrokeshire County Council was highly questionable in its methodology and inherent assumptions. It would appear that PCC Planning Department made no effort to review or challenge this report in any way.

The findings of the ADAS report were pivotal to the subsequent refusal of the Lammas Planning Application.

The ADAS report is considered in full in a separate document.

The Planning report

The culmination of six months of consideration by PCC planning department was a report that seemed to fly in the face of the limited dialogue that took huge effort on our part to facilitate. The report itself was based almost exclusively on the 2007 Planning Report (by David Lawrence) and the ADAS recommendations. It contains a plethora of structural and material errors. It is frequently unclear as to whether the planning officer (the author) is referring to the current application or the previous application.

The Planning Report contains inaccuracies sufficient to suggest that the author was not familiar with the application under consideration. For example it states that *“the revised application omits reference to community composting”*.

This is completely wrong. The community composting scheme is part of the business plan of the plot 4 and twelve pages of detail are supplied in the plot 4 land management plan (pages 15 to 27). It is also discussed within section 11 of The Management Plan and within section 3 of the Permaculture report.

The planning report is considered in full in a separate document.

Lammas maintained a commitment to co-operate with PCC throughout the process, as is illustrated by the timely nature of our correspondences with them and our agreement to all the time extensions requested. These time extensions were agreed despite the fact that a speedy application process was of the highest priority to Lammas members.

¹ Of the two ADAS report authors, Aled Roberts concedes that he has no experience or training in either permaculture or low-impact development, and Chris Creed states that whilst he has no training in Permaculture or direct experience of up-and-running permaculture projects, he has some limited permaculture experience (amounting to once being involved in the embryonic stages of a permaculture project in North Wales which collapsed before the land was purchased) Chris Creed also has no experience or training in low-impact development. *This information stems from phone calls between Paul Wimbush, Aled Roberts and Chris Creed (17th and 18th September 2008).*

² *This was stated by Aled Roberts (ADAS) in an e-mail to Paul Wimbush on 23rd September 2008.*

The report was presented to the Planning and Rights of Way committee on September 9th and the planning officer's recommendation was passed. Lammas requested the opportunity to speak at the meeting and was again denied any opportunity to represent its case.

Context

Since Lammas initiated dialogue with PCC about their proposal (December 2006) two large-scale Low-Impact Developments (LIDs) have been granted planning permission in the UK. They provide a useful context for comparison.

The first project, Landmatters, has approached planning in much the same way as every other LID in the UK has over the past few decades. That is to say that they simply moved onto the land and established themselves before being 'discovered' by the planning system. They then went on to fight a retrospective planning campaign. In August 2007 Landmatters won their appeal and were granted planning permission for eight dwellings on 42 acres in Devon.

The most recent low-impact development to be awarded planning permission is Brithdir Mawr which (on 15 September 2008) was granted temporary planning permission (part-retrospective and part prospective) for 5 low-impact dwellings by Pembrokeshire Coast National Park Planning Department under policy 52.

Their planning application was 42 pages long.

Lammas' approach is most unusual in choosing to request planning permission before developing the land. To date it is an approach which has not paid off.

Freedom of information

Between 9th September 2008 and 8th October 2008 Lammas made seven requests of PCC planning department (4 telephone requests and 3 written requests) to see a copy of the brief that was sent to ADAS. We were repeatedly told that the information would be forthcoming.

On 23rd October 2008, having been advised that withholding of information in this way constituted a clear violation of the Freedom of Information Act, Lammas wrote a formal complaint to Pembrokeshire County Council Freedom of Information officer, Neil Bennet.

This was followed on the 3rd October by a second letter of complaint.

At the point of writing Lammas has still not seen the brief that PCC sent to ADAS concerning their assessment of the proposal. This situation has still to be resolved.

Appeal

Our resubmission having been refused on September 9th 2008, Lammas issued the statutory notices³ ready to submit an appeal. On 13th October the Planning Inspectorate requested to see an “Access Statement”. We had never been asked for one. On 17th October the Planning Inspectorate stated that we could not appeal because our resubmitted application along with the planning decision was technically invalid, not having been accompanied by an access statement. This letter is included in the Appendices.

It was the responsibility of PCC Planning Department to ensure that all the relevant documentation was in place. We were clearly told by Stewart Longhurst (Admissions Officer, PCC Planning Department) when we resubmitted the application (11th March 2008) that we did not need an access statement.

We were now caught in no-mans land. We could not appeal because of an administrative blunder on the part of PCC. We could not resubmit, having exceeded the 12 month time allowance for resubmissions.

We were informed that the only option left open to us was to begin the planning process again and submit a new planning application.

On 21st October, Lammas wrote an open letter to Jane Davidson, Minister for Environment, Sustainability and Housing asking her to intervene in the situation.

On 12th November, Lammas received a reply from the Welsh Assembly government which said:

“The legislation ...provides that local authorities must not entertain applications for planning permission which should be accompanied by an access statement but are not.”

It went on to say:

“As there is no valid application in this case, she is unable to consider your request.”

In other words she could not intervene in the situation, because there was now officially no application to call in.

Press Statements

In response to PCC’s mistake regarding our access statement Lammas did not received any formal apology from Pembrokeshire County Council. Nor was any attempt to find a way through this situation communicated to us. Attempts to open dialogue with David Popplewell (planning officer) and Stephen Hurr (Head of Department) fell on stony ground. In fact the only response to the situation was via a press release.

To quote from the Western Telegraph, page 10, 29th October:

A council spokesman said...."There is an onus on an applicant to submit a valid application. Whilst there was some discussion at the time about an access statement, this was ultimately not submitted."

³ It is required that 21 days notice is served upon landowners and/or tenant farmers prior to the submission of a planning application or appeal.

This statement was issued by Len Mullins (Pembrokeshire County Council Marketing Dept) on behalf of Stephen Hurr, Head of the Planning Department⁴. This statement goes against policy guidance on the matter.

To quote directly from the Welsh Assembly guidance on Planning and Inclusive design (Nov 2007):

5.2 A local planning authority must not enter an application on the Planning Register unless accompanied by an access statement

Not only had we been denied a fair hearing of our planning case, the Head of Planning had now issued a statement to the press intimating that it was our own fault!

Conclusion

Thus it was that we were given no other option than to begin the planning process afresh and submit an entirely new planning application.

To sum up:

- Despite continuous efforts on our part to proceed quickly through the planning process there have been long unjustified delays.
- Assurances to arrange meetings made by PCC planning department to Lammas have not been kept. This includes a promise to set up a meeting with PCC Highways Department, whereby the failure to arrange such a meeting directly led to their recommendation of refusal for the initial application.
- Despite clear assurances that our application would not be assessed using conventional agricultural criteria, our application has been refused primarily on the grounds of evidence from a conventional agricultural assessment.
- Valid consultation documents have been lost (in the case of 20 letters of support from local people) or ignored (in the case of evidence submitted by the Design Commission for Wales).
- Despite rewriting our entire planning application, little account seemed to have been taken of the new material in the rewritten application when PCC planners wrote their report to committee (September 9th 2008). Indeed, considerable sections of the original report to committee had simply been cut and pasted into the second report to committee dealing with the re-submission, as evidenced by errors contained in the first report being identically repeated in the second report.
- Despite taking six months to consider our application, the planning officer made comments in his report to committee (September 9th 2008) that would imply that he had not read the planning application.
- A bureaucratic mistake on the part of PCC has meant that Lammas has been denied the opportunity to appeal to the Planning Inspectorate, and the response from PCC to this situation has been wholly inadequate.

The “Process” has been demoralising, misleading, unduly delayed and has led us to question the planning system’s ability and intention to support innovative sustainable proposals.

⁴ This was confirmed in an e-mail from Len Mullins (PCC, Marketing) on 30th October 2008

The first paragraph of text in Policy 52 reads;

“Sustainable Development has emerged as the overarching objective of the planning system in the last decade. This policy provides a context for permitting development in the countryside which contributes to that agenda...”

The Lammas project is entirely dedicated to pioneering truly sustainable development. The work, creativity, dedication and inspiration that have been poured into it are remarkable. Lammas’ progress has been repeatedly delayed, blocked and hindered by the planning system, often without explanation or justification.

After 23 months in the planning system we have been forced to begin the process anew having not had a fair hearing. This is despite us having made every effort to comply with every request the LPA made of us.

In our instance, the planning system has failed in its overarching objective.

Lammas’ Future

The Lammas project is of international importance. That the application received over 860 letters of support is testament to that. Of those letters, 175 were from Wales and of those 102 were from Pembrokeshire, with many from the village of Glandwr itself. The letters came from all over the world. They included letters from farmers, architects, community councillors, builders, academics, businesses, students, media companies, elected politicians, environmental scientists, crofters and even a planning officer.

We are a voluntary organisation with a real need for a swift resolution to this planning situation. As well as representing the interests and low-impact aspirations of hundreds of people from all over the UK, we specifically represent 9 families who have invested considerable amounts of their money, time and energy in the project.

Low Impact Development is generally an approach adopted by families who are in need of affordable housing solutions and have a passion for and commitment to land-based sustainable living. Many of the families dedicated to the Lammas project have moved or are in the process of moving their lives and current livelihoods to the locality and are “on hold” waiting for the opportunity to pour their energy and creativity into manifesting low-carbon futures. The Lammas organisation is run by ordinary people with every day jobs and is not a corporate developer with the backing of corporate financial budgets. It is completely unviable for a Low Impact project to spend years caught up in the planning system. It is for this reason, and this reason alone that Lammas had requested a written appeal from the Planning Inspectorate rather than a public enquiry (though ultimately we were denied the opportunity to appeal).

The Bigger Picture

Scientists around the world are describing the time that we are now in as one of “global emergency”. This work has been highlighted by the IPCC (Intergovernmental Panel for Climate Change). In addition to this we are experiencing the economic implications of ever dwindling natural resources, from oil to metals to timber and the ever rising costs of food. ‘Business as usual’ is recognised as simply not an

option for our society. All of these factors serve to highlight the relevance, viability and importance of innovative sustainable projects in pioneering sustainable lifestyles.

**“Sustainable development is not an option that will go away –
it is the only way forward.”**

Rhodri Morgan AM First Minister for Wales

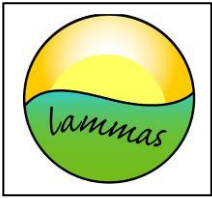
Whilst we have a planning system that regards pioneering sustainable projects with a level of negation and opposition, the likes of which Lammas has experienced, there is little hope of our society making the transition toward sustainability that is so desperately needed for us to avoid a situation of runaway global warming.

Thus we recommend a review of the planning system so that sustainability be truly placed at its heart and a more flexible, open and empowering approach be adopted when dealing with grassroots and community based innovative projects.

References

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Appendix 1: Minutes of Pre-application meeting



Lammas Low Impact Initiatives Ltd

Reg. no: 30222R
Reg. Office:
Bronallt
Llangeitho
Tregaron
Ceredigion
SY25 6QX

11th May 2007

RE: Pre-application meeting held on 26th April
From: Sarah Sims Williams, Internal Communications Manager (Lammas)

Dear Mr Lawrence and Mr Sedgewick,

I was very pleased to meet you both and we all felt great benefit from the discussions we had at the meeting.

As you know I took notes during the meeting and so I am writing to you ask you to confirm that I have the main issues correct.

As I understand it your main concerns were the following:

1. The potential impact of 9 separate entities concerned Mr Sedgewick – you said that the revived ideas [terrace] have gone a long way to address this. Also we pointed out that based on extensive experience and research into intentional communities Lammas is modelled more on a traditional Welsh village, rather than an intentional community. Lammas' management plan seeks to facilitate cooperation and coordination, meaning Lammas can be accessible to a wider range of people than those just interested in living in an intentional community. The terrace seemed a good compromise, drawing more on the co-housing model.
2. It is important Lammas provides wider community/public benefit to mitigate impact – we discussed some ideas and received some feedback from Mr Lawrence suggesting a wider community mini-bus service, a community composting scheme, the children from the settlement helping to boost local educational provision and supporting/ facilitating a mobile library/shop. We pointed out that there will be both a local and wider benefit through educating for sustainability and more direct education through courses. There would be employment of local people and an improvement of the rural community's resilience through a stronger local land-based economy. A retail outlet was discussed (in light of the recent closure of the Glandwr shop/post office) and Mr Sedgewick said he would have to look at the Plan. Mr Lawrence said "the jury is still out on this [public benefit]". And he offered to try to get an indication on how close the school is to closure.

Also the wording of Criteria 1 was discussed - the "environmental, economic and / or social positive contribution."

3. That Lammas' "monitoring and performance indicators" aspect was weak, but our list of suggestions (developed since the documentation you had received) met with your approval, especially if they are linked back to Management and livelihood plans.
4. That Lammas shows the meeting of 75% of household needs is agricultural/horticultural/forestry/crafts based, and that we show the number of adults is necessary. (It will be a requirement of the lease)
5. Visitor numbers and trips generated. We clarified that part of Lammas' proposal involves a very strict management policy on traffic generation eg mini-bus to collect visitors, car share scheme. We expressed concern that the highways department would vastly overestimate Lammas' vehicle use, and Mr Lawrence said he will broker a meeting with them and us, as well as briefing them. We'd like some guidelines from them for figures acceptable to them.
6. Welsh Language – fear of us swamping Glandwr with non-welsh speakers. We take this issue very seriously, have a Welsh Language Policy in place and are committed to on-going improvement in this area to ensure the project supports the Welsh language.
7. Using existing buildings – unfortunately none are available to us.
8. The camping area – I believe Mr Lawrence felt happier about this when he saw the site?

We agreed that submitting for full planning permission was preferable for you.

We agreed Lammas would make it clear that this application is a complete entity for 9 residential units. That a further phase would be a separate issue, and would only commence having demonstrated the viability of stage one.

We agreed Lammas is keen to work with WAG and in particular to act as consultees on Low Impact Development Policies in the forthcoming review of Tan 6 and that it may be worth keeping in communication over such developments.

Mr Lawrence thought it unlikely our application would be referred to the Estate's department but if it was he would fully brief them because the standard farming criteria would be irrelevant to an application under the low-impact policy.

We pointed out that one of the objectors' principal concerns is a lack of proper control, and that Lammas is a legally accountable entity which can take legitimate public complaints through proper procedures and resolve them.

We discussed the inclusion of domestic wind turbines in the application, and that the Welsh Assembly is supportive of community renewables. We also discussed the hydro turbine and the inevitable occasional surplus of electricity as a result of micro-generation. Lammas is keen to provide electricity to the National Grid (which the electricity companies would measure as output verses input using meters). Mr Sedgewick was keen to avoid residents simply being able to draw more from the National Grid than they contribute, though he pointed out that a grid connection would be a wider benefit if there was a net contribution to the national grid. He is happy to discuss it further I believe?

Scales for drawings were discussed. Mr Lawrence suggested 1:100 for elevations, 1:500 for terrace and hub layout and 1:2,500 for site layout, but said there are no hard and fast rules and a common sense approach should be adopted.

A detailed application which met the policy criteria was deemed to be essential. Lammas emphasised that if you were of the opinion that an element of the application was becoming problematic then Lammas would be keen to discuss at the earliest opportunity and find a solution with you.

We agreed that if Lammas puts the planning application in on 1st June then a decision (from the Members) in mid-October is achievable.

Mr Lawrence suggested we put our proposals in as soon as possible in order to allow space to discuss things. Also, later, he suggested that there was no harm in sending early drafts in stages to him to establish if something needs attention. We are doing this. Once the planning application is in David Lawrence suggested any additional evidence should be merely illustrative or fill a hole, rather than an alteration.

We offered you a voice in the Lammas film, with editorial rights, and indeed we would really be pleased if you would take up this opportunity. Mr Lawrence is going to check with your press department.

Thank you for reading this all through. I'd be very grateful if you can let me know if there are any points that I have misinterpreted or missed.

Yours sincerely,

Sarah Sims Williams
Internal Communications Officer, Lammas
e-mail: floatysarah@riseup.net

Appendix 2: Notes from Pre-application meeting

Pre-Planning Application Meeting Notes

26/4/07 10.30am Longhand notes taken by Sarah Williams

Present:

Lammas: Larch Maxey (L), Paul Wimbush (P), Mark Dyson (M), Sarah Williams

Planners: David Lawrence (head of planning) (DL), Pete Sedgewick (Forward Planning) (PS)

DL Coming up to site in next few days

PS Checking criteria, how fits in, not sure how works... Looks like issuing small holding rather than community – better communal growing areas as less impact rather than piecemeal. SPG suggest/prefers NOT to have plot type development, but I haven't seen it yet ...
(Issue of legal, physical and visual fragmentation)

P People are coming to it for different reasons: 1) to have small holdings, so need to be central in their plots 2) terrace

Fragmentation will be managed legally by ...

PS Breakdown of farm units – fragmented, less well managed, messy in landscape, maybe looking at the land it will fit in . Argument – design not actual project

L overview of aim – make more accessible not just community, appeal to wider range of people. Keen for coordination and integration. Piecemeal development, we want to put whole plan in as one

PS How we see process? Not sure. Submit outline or full?

P full, with details

PS good to hear – concerns resolved by having the people in place e.g. check number of adults, livelihood plan. Need good level detail to check meeting policy criteria.

DL Outline vs. full planning application. Development is a mix of things e.g. camping cannot be outline. Everything into one application is valuable, which is impossible for outline. We can explore limits of how flexible we can be, but there **are** limits

L Explains terrace and independent

PS Phasing: do we see next stage as being applied for on success of first stage

L Yes, Expanded

PS View as 9 and not think about the 21. Wider idea is to set up network if successful. Welsh Assembly government will be concerned about the countryside emphasis. I'm wary, alarm bells ring in Assembly about Lammas' wider aim. Assembly may change but not allowed for now in policy – all based on hub/urban based and focussed: 70:30% split. JUDP settlement patterns Leave it out for this stage.

P explains network as connecting with existing land based projects in area...and developing links rather than a network of new ecovillages

M Strengthening local...

PS Start of network of settlements

L Keen to work with Wag and TAN 6

PS Laxing policy, criticised... Housing in countryside is very tied still

M (confirming PS) LID is extension of Tan 6, approved by inspector. Functional test is different to estate's test.

PS Not same, livelihood vastly differs. Hence criteria drafted differently for basic need and we recognise that i.e. largely self sufficient

M You mean you wont refer ours to Estate's?

PS Yes, may ask them for certain information, standard farming criteria irrelevant

DL Probably wouldn't, but if did would fully brief them

M could we talk to them

PS there to assess farm value and income, they'd need to be aware of context

DL Application for 9 (might be further 11 in time). Re Lammas network: whatever put in will be closely scrutinised (by objectors). Already objections, I've written back to say nothing to object to yet! Those objectors will latch onto anything, and blow out of proportion. Two examples: is it for 9 or 21. I'm getting message it's clear i.e. 9. In application do you mention rest? [phase 2] express aspirations on [web] site, but not in planning application. Future application...

M can you confirm we don't mention future aspirations

DL you're openness - "a lot of merit in that" objectors will grab any mention of 21. Make it clear this is complete entity for 9.

PS mention wider aspiration on web site. Someone could say we should take the 21 into consideration because we know about it

M meet performance indicators, so future application will depend upon that and future planning rules.

PS Indicators: monitoring side is weak in what we've got. Want to see more

P Any performance indicators in mind – lists our suggestions

PS those are the sorts of things. Providing a Management Plan and livelihood plan shows what you're going to do; indication will link back to them. Indications tied directly to proposal. What group as whole intend. Must be shown. Closely...

Income: (6) reliance on training, camping, visitors – not sure as meeting land based 75% - maybe 150% will come, but need to show land based. What you do on top is additional, value added etc. Bulk needs to be met agricultural/horticultural/forestry based. Are the adults on site necessary to meet that?

M those clarify there's income stream for infrastructure – hence camping etc to pay for someone to do e.g. annual report to yourselves. Requirement for each lease to meet 75%– explains one unit may make more and another may need to be allowed to make less, but overall 75% on average

PS Re-phrase, what do on site to meet... is up to you. More need to know you meeting 75%. Rest is important but key is 75% met from growing/craft and adults that are needed for that. Wider Lammas organisation not strictly our concern

M underlying concern from objectors is fear lots of people, no effective control. We're keen to show Lammas has resources to hold things together and can take legit public complaints through proper procedure, be dealt with through legit process to mutual satisfaction.

P clarifying that 75% of needs will be met from agriculture/ forestry.

PS Visitors numbers: not sure about, traffic. Saw it being self contained, interacting with local community, not wider...

P we're going to be 1st, pioneering, lots of attention. We will get visitors so we create well defined policy

PS We will need that if it's a proposal, but it is a concern. Large amounts of people visiting. Welsh Language: Numbers of dwellings adds 50% to number of households in Glandwr. We have Welsh Language policy to not be swamped by additional... Inevitably loads of tourist in summer so ... trip generation

M traffic will vastly over-estimate number of vehicles per household. How can we get them to tear up the rule book?

PS Management Plan stipulates numbers coming and going, this is not standard policy, not about attracting standard...

M Can we know what figures they'll find acceptable?

PS And manage your proposal to that?

DL We can broker a meeting with the key people

A Question: Particularly interested, How do you propose to meet criteria 1, partially (particularly?) address in proposal: 1) with public benefit

L And vs. Or [point 1] How do you interpret Criteria 1... and/ or??

PS don't know

P Environmental is easy because of permaculture approach

Social benefit is largely education for sustainability is meeting on a macro scale (awareness) and on a micro scale e.g. local schools: demonstratable. Assembly –3 planet footprint

Economic – we're employing people outside of Lammas site, market research. Not expecting to be huge economic production

PS Yes

P But contribute

PS Economic included in sustainable criteria

DL Minibus – common benefit

P Minibus and car share scheme. Minibus to Clynderwen for visitors, maybe include public in this

PS Public benefits wider than community in proposal. Planning gain of any development, mitigate impact, making scheme more acceptable

M Local economy networks making rural community more resilient, by circulating money locally is longer term real benefit. Socially permissive paths opening up unavailable countryside

L Good terms with PO owners but it couldn't hold on, had to fold before we got there. We're keen to support

DL Community composting scheme is effective

PS Not too much cost for schemes because you don't need to make lots money

P win win situation as we demonstrate LID as a solution.

A question, What's your general feeling about the application?

DL Fair question but 1st need to know

Existing buildings at Pont y Gafel – have you considered that

P Sue not interested in selling to us, at times considered

M No buildings so can't contribute to (5)

L we wanted to leave farm buildings with the farm house

DL Pretty well covered all concerns

PS Dave will talk about how it will be dealt with etc

DL Will go to Committee for certain, even if complied or straight forwardly refused. No matter what our initial view, councillors will ask for committee, we won't be able to resist.

If we are thinking of approval and delegated, for example the tone of one objector's letter was adamant that they will challenge any decision. would be to look for anything to object to, so

Committee's approval means it is less open to review. Meet every month. We would like to say 8 weeks, in reality bit longer. Interests different, procedure same as any other planning, we report to committee, they might go for site inspection – would be positive if do.

Under current procedures, small number application that committee look at, brief submission on site by applicant and also objectors. 3 minutes each, an opportunity.

General reaction: difficult to answer: Interesting and positive thoughts developed and thinking gone on.

1) I have a little doubt re: camping area – talk further

2) Potential impact of 9 separate entities concern me – revived ideas [terrace] have gone a long way to address this

3) Public benefit, jury still out on this – is it enough. Have further thoughts on composting, minibus service as community resource.

Future of school – under review. Could your development and kids on the site help with this?

L P.O., shop – we want to support, but timescale has been a problem.

DL We can try to get an insight on how close to the threshold The school is to closure.

M Sad shop has been approved to residential [DL showed he hadn't known this]

L we need to think creatively

M anything we provide will show community benefit

P meetings with local people to shape proposal, considered shop. Would the inclusion of a shop work from your perspective?

PS Have to look at proposal and check against plan – all policies of plan are still relevant albeit in terms of what your proposal does rather than standard policies
For a retail policy – maybe mitigating circumstances over normal requirements
Number of policies we've got to look at. May not fit policy but be ok because of wider community benefits

M things changed now shop is closed- strengthens public benefit

P traffic re shop

M locals will walk

PS Trip generation. We'll consider when planning application comes in

DL suggests: take produce into village in something other than car, once a week e.g. like a mobile library/shop

P(S?) largely positive but issues to work through

DL Yes. Not looking forward to flack from objectors

PS Detail is essential

M If you say something is a problem we want to find solution in planning terms

PS Make sure your proposal absolutely fits the policy

DL Only takes one highly motivated objector to generate a big volume of objection, which is a nightmare.

PS Volume isn't planning consideration – quality and relevance of arguments of supporter/objector

M Does this hold true at Member level as well as Officers?

PS No harm in trying to get Members' support. They don't always agree with Officer's recommendation. County Council elections in 1 year, so they may well be considering that

P What's the procedure to take this forward? Who will be dealing with the case?, How, follow up meetings? Feasible to get a decision by September? What steps, how long do you need?

DL September achievable, committee meet middle of month

P Site visit August?

DL October then if site visit September [August closed] meeting late in July – would be touch and go. Application would have to be in by next 2-3 weeks for July.

P Can we put stuff in and then you chew over

DL Get it in as soon as possible because of time scale, then discuss

P Independent electricity grid feasibility, therefore wind turbine aspect of application

DL Include wind turbine on application or as separate application

PS Welsh Assembly encourage community renewables –local community

M feeding back into grid

PS or to locals, feeding back into grid is local benefit

L Pre...Lammas lobbied for this in the consultation period for the SPG

PS Grid connection enables people to use grid [net import]. Later proposal putting in turbine to benefit community? My concern is they'll [residents] will use grid

M Easy to show, costly from hydro which is considerable. Opportunity to defray cost may be a factor we need to take into consideration. No landscape impact from hydro. We need feedback before making decision.

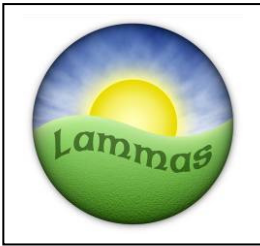
SSW My parents feed solar into grid and it is all clearly monitored by meters and the electricity company

P Coming back to Time scale – If we were to submit in 4 weeks, end May. How would that fit?

DL really tight

M We could give it to you in section, so you have some earlier?
DL No harm in sending early draft so we can look and see if something needs attention. When you do submit, anything in advance will not be included (amended?). It must be complete.
M You cannot guarantee July, but we can assist
P September, for committee when need...
DL Get in by end of April, say 1st June for decision mid October.
P Extra meeting
DL Send draft document [instead]
P If in 1st June, what is the procedure for additional evidence e.g. film, model, drawings, letters
DL Letters anytime after. We put out a press notice, write to the neighbours, put up site notices. Letters have a deadline of 3 weeks from this but in reality will be considered after
If purely illustrative and doesn't alter what you are applying for, then ok. If alteration then difficult as application has to be withdrawn and re-submitted or re-run publicity with modification
M Ok if fills a hole, something as identified as problem to granting?
L You two dealing with it?
DL Not thought who yet. 3rd person would be fully briefed, we don't usually get involved in that part
PS I'd be asked for input, ecologist... – a variety of specialists would assess
DL Case Officer not chosen
SSW How can we communicate with you
DL/PS Email, telephone to contact in meanwhile
P talks about Lammas film and a planning representative, offers full editorial rights.
DL speak to press dept
SSW can you confirm size of plans
DL 1:100 elevations fine, must be metric. No other hard and fast rules. Site layout – varies for different parts. Suggests 1:2500. Terrace area needs more detail 1:500 or can manipulate JS[?] to locate unit.
M Interpret with common sense then?
DL Home in on any changes
L Let us know when you want to do your site visit.

Appendix 3: First letter of complaint regarding freedom of information violation



Mentrau Effaith Isel Lamas Cyf
Lammas Low Impact Initiatives Ltd

Rhif cof/ Reg no: 30222R
Swyddfa cof/ Reg Office :
Tegfan,
Tan y rhiw
St Dogmaels
Pembrokeshire
SA43 3HB

Our Ref...pw51

23rd October 2008

**FAO: Neil Bennet
Head of Information and Cultural Services
Pembrokeshire County Council
County Hall
Haverfordwest
SA61 1TP**

Dear Mr. Bennett,

RE: Failure to disclose information under the Freedom of Information Act (2000)

I would like to file a formal complaint against Pembrokeshire County Council regarding what I believe to be a violation of the Freedom of Information Act (2000).

As I'm sure you are aware, written requests for information, whether received electronically or by mail, must be processed in compliance with the Act regardless of where in the Council they are received.

On the 12th September 2008, I contacted Christopher Wilks in the PCC Planning Department to request a copy of an ADAS agricultural assessment commissioned by PCC relating to planning application number 07/1581/pa. Under the FOI Act, the Council had 20 working days to disclose the requested information or inform me that a decision has been taken to withhold the information under a legitimate legal exemption. The deadline for the Council to disclose the requested information was 9th October 2008. My initial request was followed by several reminders by telephone and email to David Popplewell, who offered multiple promises to disclose the requested information by an ever-receding date.

Mr Popplewell finally wrote on 9th October 2008, the deadline for compliance with my request under the FOI Act, to apologise for the delay and promise once more that the information is being prepared "and will be emailed shortly". It is now two weeks since I received this email and I have yet to receive the requested information.

This letter is to express my deep dissatisfaction with the Council's failure to comply with the Freedom of Information Act (2000) and notify you of my intention to escalate this complaint to the Information

Commissioner's Office if I am not entirely satisfied with the Council's response, which I sincerely hope will include the assessment or a legitimate legal explanation for the Council's refusal to disclose it.

Considering the extent of my unsatisfactory communication with the relevant officers, I consider stage one of the Council's complaints process to be thoroughly exhausted. As per the Council's complaints procedures, I will expect your response to this stage two complaint within 15 working days of the receipt of this letter, and would be grateful if the requested information could be provided.

Sincerely,

Paul Wimbush
On behalf of Lammas Low Impact Initiatives Ltd

e.mail: paul.wimbush@lammas.org.uk
tel: 01437 563175

Attached: Details of relevant correspondence with PCC Planning Dept

Appendix 4: Correspondence concerning ADAS report



Lammas' attempts to see a copy of the ADAS brief.

23rd October 2008


Paul Wimbush
Lammas project coordinator

In July 2008, whilst considering the Lammas planning application, Pembrokeshire County Council (PCC) employed the services of ADAS to write an agricultural assessment of the planning application.

I made two telephone requests to see the ADAS brief on the 9th and 11th September to various members of PCC planning department. I have previously dealt with many people from PCC planning department and had found Chris Wilks to be very efficient, so I then approached him.

First Written request:

Subject: lammas request

Sender: paul.wimbush@lammas.org.uk 

Recipient: Wilks, Christopher 

Date: 12.09.2008 10:55

Hi Chris.

Found out why there was that e-mail hiccup - lammas has two m's.

Wondering if you could send me a copy of the brief that was sent to ADAS sometime in June/ July 2008 when our plans were sent off for assessment?


With thanks,

Paul

This was then followed up with 2 phone requests to David Popplewell. Then an e-mail:

Second written request:

Subject: Lammas

Sender: paul.wimbush@lammas.org.uk 

Recipient: Popplewell, David 

Date: 30.09.2008 14:04

Dear Mr Popplewell.

You repeatedly promised me that you would get back to me on the subject of supplying us with the ADAS brief by Friday 26th September.

I have heard nothing from you.

I do not understand why your department is taking issue with this matter of supplying us with this document.

Neither have I had any response to my e-mail to you requesting copies of the consultation reports on our application. This was sent over 10 days ago.

Would you please supply us with these documents.

With regards,

Paul Wimbush
on behalf of Lammas low-impact initiatives ltd

This again was followed up with a phonecall, in which I was promised the brief by 2nd October. This did not happen and so I e-mailed again:

> From: paul.wimbush@lammas.org.uk [mailto:paul.wimbush@lammas.org.uk]
> Sent: 08 October 2008 11:47
> To: Popplewell, David
> Subject: lammas
>
> Dear Mr Popplewell.
>
> This will be the seventh request that I have made asking to see a copy of
> the brief as sent to ADAS.
>
> I first asked for this on September 9th. When we last spoke you promised
> me
> that you would send it to me on the 2nd October.
>
> It is now 8th October and I have heard nothing.
>
> Could you please send me a copy of the ADAS brief, or a letter explaining
> why you are unable to.
> Could you also send me copies of the consultation responses to our
> application.
>
> With regards,
>
> Paul Wimbush

With a reply from Mr Popplewell:

On Thu, 9 Oct 2008 14:51:22 +0100, "Popplewell, David" <DavidP@pembrokeshire.gov.uk> wrote:
> Dear Mr Wimbush,
>

> Apologies for the delay but the documentation you require is being
> prepared
> and will be emailed shortly.
>
> Regards
>
> David Popplewell
>

It is now 23rd October and I have still not received either the ADAS report, nor any explanation.

This clearly constitutes a violation of the Freedom of Information Act and is wholly unacceptable.

Paul Wimbush

Appendix 5: Letter from Planning Inspectorate

Yr Arolygiaeth Gynllunio

Adeilad y Goron, Parc Cathays,
Caerdydd CF10 3NQ
Uniongyrchol: 029 2082 3796
FFacs: 029 2082 5150
<http://www.planning-inspectorate.gov.uk>



The Planning Inspectorate

Crown Buildings, Cathays Park,
Cardiff CF10 3NQ
Direct Line: 029 2082 3796
Fax: 029 2082 5150
susan.bayliss@pins.qsi.gov.uk

Lammas Low Impact Initiatives
Tegfan
Tan Y Rhin
St Dogmaels
Pembrokeshire
SA43 3HB

Your Ref / Eich Cyf

Our Ref / Ein Cyf APP/N6845/A/08/2086949/WF

Date / Dyddiad 17 October 2008

Dear Sir

**Town and Country Planning Act 1990
Appeal by Lammas Low Impact Initiatives
Site at Pont-y-gafel Farm, Glandwr, Whitland, SA34 0YD**

I refer to the above appeal.

As you are aware, when the appeal was received the Planning Inspectorate requested a copy of the Access Statement that was submitted at application stage. We were subsequently informed, by both the appellant and the LPA, that one had neither been requested nor submitted.

The requirement for an Access Statement to be submitted with most types of applications for planning and listed building consent came into force on 30 June 2007¹. Section 42 of the Planning & Compulsory Purchase Act 2004, which came into force on that date in relation to Wales, substitutes a new section 62 of the 1990 Act and amends section 10 of the Listed Buildings Act 1990 so as to provide that a statement covering access issues is submitted with certain applications for planning permission and listed building consent.

Section 42 of the 2004 Act also inserts new section 327A into the 1990 Act. It states amongst other things that the local planning authority must not entertain an application that does not comply with any requirements imposed by the Act. It follows that applications not accompanied by an Access Statement, where one is required by the Regulations, should not be accepted by local planning authorities, since to do so would be contrary to S327A.

¹ SI 2007 No. 1369 (C.58) The Planning & Compulsory Purchase Act 2004 (Commencement No. 10 and Saving) Order 2007 and SI 2006 No. 3390 The Town & Country Planning (General Development Procedure)(Amendment)(Wales) Order 2006



The consequence is that if an appeal is submitted to the Planning Inspectorate in connection with an application that should not have been accepted by a local planning authority because it was not accompanied by an Access Statement required by the Regulations **that appeal will be invalid and will not be accepted**. An appeal cannot be considered valid if the application from which it arose was accepted by an authority contrary to the express provisions of legislation. Any decision on such an appeal would be of doubtful validity.

In conclusion, as the application, the subject of this appeal was registered by the Council after 30th June 2007, the council should have ensured that it was accompanied by an Access Statement before making a decision. The Planning Inspectorate can therefore take no further action on it.

The only course of action available now is for both parties to discuss the options open to them.

Yours sincerely

S Bayliss

Susan Bayliss

211B(BPR)

Rydym yn Croesawu Gohebiaeth yn Gymraeg a Saesneg

We Welcome Communications in Welsh and English