

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

SUBJECT:
**WELSH GOVERNMENT CONSULTATION – REALISING THE POTENTIAL OF
PRE-APPLICATION DISCUSSIONS**

Background

In June 2010 the “Study to Examine the Planning Application Process In Wales” commissioned by the Welsh Government was published. Recommendation 12 of that study was for the production of a best practice guide for the pre-application stage of the planning application process.

The Welsh Government accepted this recommendation and has consulted on a draft guidance for pre-application discussions for users of the planning system.

Purpose of this report

The purpose of this report is to seek member’s endorsement for the response to the consultation.

The Draft Guidance

The draft guidance sets out the context in which the pre-application guidance has been produced, namely the support given in Welsh Government policies in Planning Policy Wales and Technical Advice Notes. It highlights the benefits that pre-application advice can provide and provides guidance on how to introduce or improve on pre-application services across Wales.

It emphasises the benefits of pre-application discussions through producing a higher quality proposal as well as reducing incomplete applications, reducing the number of refusals and appeals, saving resources, establishing timescales and procedures, identifying issues early, reducing conflict and improving consistency, certainty and speed for users of the system.

It also recognises that the pre-application service currently provided cannot always deliver the full benefits due to the ad hoc approach to such enquiries, the lack of consistent advice between pre-application and application stages, dialogue being entered into at a late stage, lack of engagement with third parties, and a lack of clarity. It has also been recognised that complaints arise from incorrect, misleading or incomplete planning advice, that advice is not properly recorded and there is sometimes a lack of clarity that the advice is not committing authorities to a particular decision in the future.

The guidance sets out the need for local planning authorities to adopt key principles in its approach to pre-application discussions. It highlights five key principles:

- 1) being clear about the nature of the advice and relating it to adopted development plan and national policy,
- 2) promoting early, focussed and realistic discussions,
- 3) providing a formal service in accordance with a published statement of service/protocol with records kept,
- 4) taking a proportional approach to discussions based on the scale and complexity of the proposal,
- 5) taking on a co-ordinating/brokering role in discussions incorporating the relevant stakeholders and local communities.

The guidance also provides a brief description of some of the processes and tools that can be use for pre-application discussions. These are listed as:

- 1) Development Briefs
- 2) Design and Access statements
- 3) Multi-disciplinary teams
- 4) Agreeing application information
- 5) Others such as use of the Design Commission for Wales design review service and use of the Planning Advisory Service practice guide.

It also provides information on the actions that local planning authorities and developers can take to maximise the benefit of pre-application enquiries. It identifies that developers should seek early advice, use local authority web-sites and development plans, promote the benefits of their proposals, consider how negative impacts can be reduced, provide enough information, seek professional advice, involve consultees and identify the officer that gave advice when the submission is made.

Local Authorities can maximise the service by publicising their pre-application service widely and ensuring that the material is accessible, consider how to offer a proportionate and accessible service including drop in services, planning surgeries etc, ensure that officers are knowledgeable of the area and of an appropriate experience for the query, ensure continuity of officer from pre-application to determination, offer site meetings, provide a range of local authority services to prospective developers, explain committee and delegation procedures, raise awareness relating to the freedom of information requirements, keep records of all advice and discussions and ensure consistency between pre-application stages and the determination of the planning application.

The draft guidance is available for members should they wish to read this in full.

Response to the Consultation

This Authority has been offering a pre-application service for several years, with this process being strengthened and formalised more recently with a pro-forma for submissions being provided and all enquiries being formally recorded onto the SWIFT computer database. The pre-application form is attached at Appendix A. The Authority also endeavours to reply to enquiries within 30 working days from receipt. As such the principle of offering a pre-application service to potential applicants is fully endorsed by this Authority. The recent allocation of grant money from the Welsh Government through the Planning Improvement Fund has also recognised that this Authority already has an established pre-application protocol in place with money being awarded on this basis.

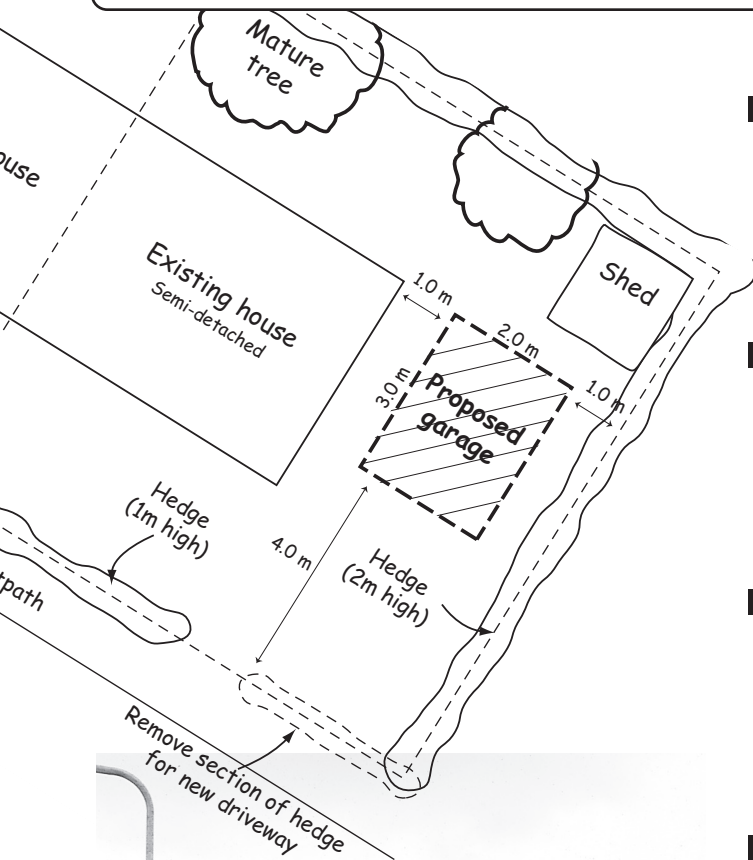
The Welsh Government has requested feedback on ten questions and the questions and recommended responses are listed at Appendix B.

Recommendation

That members endorse the recommendations set out in Appendix B.



Pembrokeshire Coast National Park Authority Pre-Application Enquiry Form



- Before submitting a formal planning application, a planning officer will be able to identify issues and offer advice on your proposed scheme, which should ensure that the subsequent planning application process can be completed with as few delays as possible.
- **Please note, however, that planning is a democratic process, and any advice provided by an officer is an informal view based upon the information provided in this form, and is given entirely without prejudice to any future decision that may be made by the National Park Authority.**
- The advice provided is based upon the policies of the Joint Unitary Development Plan, which can be viewed at the Authority's offices or on the Authority's website - www.pembrokeshirecoast.org.uk. It is recommended that you familiarise yourself with the policy requirements before preparing your scheme.
- The Authority will acknowledge receipt of your completed form and advise you of the officer who will be dealing with the enquiry. We endeavour to respond to your enquiry within 20 working days, however this timescale may be delayed if further information is required, a site visit is required, or current planning application workloads are high. We will write to advise you further if a delay is likely.

Under the Freedom of Information Act, information about all pre-application enquires may be provided to a third party on request.

- Please return your completed form to -

**Development Management
Pembrokeshire Coast National Park Authority
Llanion Park
Pembroke Dock
Pembrokeshire
SA72 6DY**

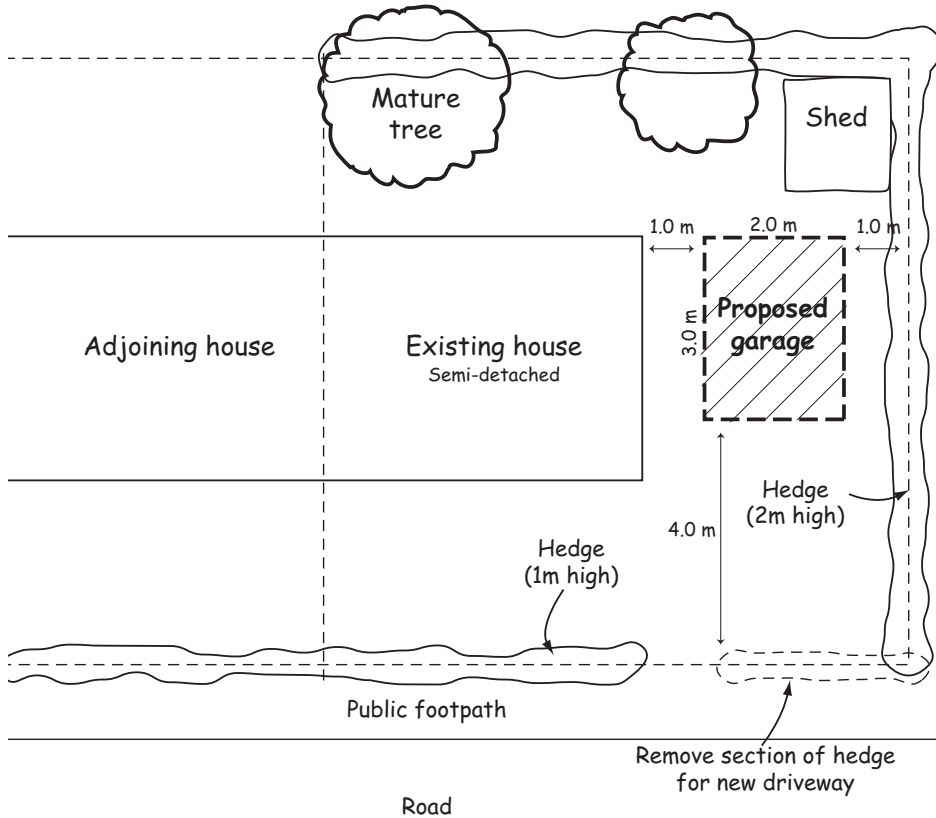
Tel: 0845 345 7275

Fax: 01646 689076

Email: dc@pembrokeshirecoast.org.uk

Please attach a plan following the examples below to illustrate the existing property / site and the proposed works.

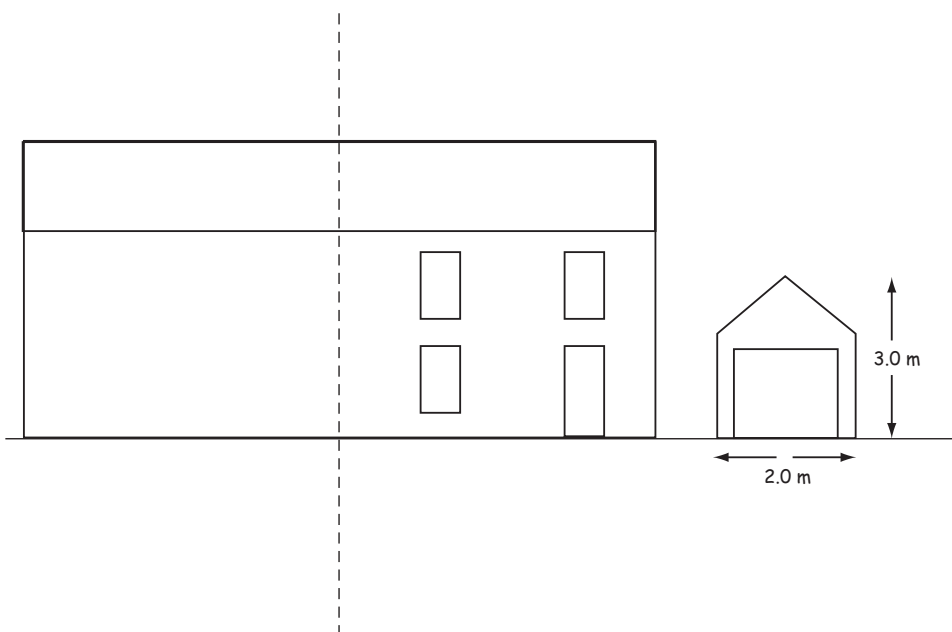
Typical Block Plan



The plans should detail the following:

- the type of property
- any previous extensions to the house
- other buildings within the garden / site
- the position of existing and proposed trees / planting
- the position of the proposed development
- dimensions of the proposed development
- distance from the boundary
- position and distance from highways and footpaths

Typical Elevation Plan



Dimensions of the existing and proposed structures should be clearly shown, but the plan does not have to be to scale at this stage.

Dimensions should show length, width and height to the apex of the roof (if applicable) in metres. Officers may require additional plans in some instances and will write to request these if necessary.

Please attach any other information that you feel would assist the officer in consideration of the proposal (eg photos etc).

1 Your contact details

Name:

Address:

Postcode:

Telephone:

2 The site details

Site address / location of site:

3 Description of proposed works

Internal use only

Reference

Date received and acknowledged

Allocated officer

4 Site location plan - This should be of a scale 1:2500 or larger and should show the proposed application site, all adjoining properties and the relationship of the site to the public highway. A copy of your deeds or OS extract would be suitable. The site should be outlined in red.

Site location plan attached (please tick to confirm)

(Please note, your pre-application enquiry form will be returned to you should a location plan not be attached).

5 Sketch drawing of proposal

APPENDIX B

Question 1

Do you agree that pre-application discussions can be beneficial for the clarity, certainty and transparency of the planning system and that the new draft guidance is useful? If not, what amendments would you suggest?

Response

It is agreed that pre-application discussions are of benefit and that the new draft guidance is useful. It should be noted however that the local authority response to a pre-application enquiry can only be based on the information received; in many cases the level of information provided is limited or incomplete which can result in a lack of identification of relevant issues. The guidance should emphasise the need for developers to provide sufficient information to enable a full response to be given.

Question 2

Do you agree with the principles? If not, what amendments would you suggest?

Response

Whilst the principles are agreed with, it should be again emphasised that the clarity, correctness, and completeness given by the local authority can only be based on the clarity, correct and complete nature of the submission made. Schemes that are incomplete or incorrect can lead to erroneous information being provided.

It is also considered that all pre-application responses should be countered with a time limit (as policies etc change) and with a disclaimer that the advice given is based on the situation at that point in time. This will avoid subsequent problems where circumstances/policies change between the pre-application discussion and the submission of the application.

Furthermore pre-application discussions are not for the local authority to provide the solution. In respect of paragraph 3.3, pre-application discussions are for dialogue to be undertaken with regard to the issues to be addressed and for suitable responses to be given by the developer. There is often an expectation from developers that local authorities should provide the answers to the problems that are identified which is an unrealistic expectation.

Question 3

Do you agree with the advice that local planning authorities should provide a statement of service and the recommended content? If not what amendments would you suggest?

Response

Agreed

Question 4

Do you agree with the approach taken to pre-application advice for small scale development? If not, what amendments would you suggest?

Response

It is agreed that a proportionate approach should be taken. However, there is a danger in producing too much detailed Supplementary Planning Guidance as every proposal relates to a different context which cannot always be generalised.

Question 5

Do you agree with the approach to involving others in pre-application discussions? If not what amendments would you suggest?

Response

It is considered that the involvement of local communities and other local authority services/consultees should be developer led during pre-application discussions. Agreement should be sought with the local authority as to who should be involved in such discussions and the developer should take responsibility for inviting these parties to respond to their proposals and for changing the scheme to take account of their responses. The consultation exercise, issues raised and response made in the scheme should then form part of the submission to the Authority as a formal application and for formal consultation by the local authority.

This would enable any representations at application stage to be taken into account by the local authority without any pre-judgement arising from early involvement. The use of planning officers as mediators/brokers will result in the breakdown of the ability to deal with pre-application enquiries in a timely manner and will result in an untenable position for planners.

Comments in respect of local member involvement are set out below.

Question 6

Do you agree on increasing the involvement of local authority members at the pre-application stage? If not why not? Do you have suggestions on how local authority members could be further involved at the pre-application stage?

Response

It is not agreed that members should be involved in discussions at the pre-application stage. It is considered that members need to remain impartial in any proposal until all the facts are before them to enable a reasoned decision to be made. Involvement at an early stage will be prejudicial to other parties who have an interest in the development and potentially lead to unfairness and a lack of transparency in the planning process. This could be extremely damaging to the integrity of the planning system as a whole.

There needs to remain a clear division between professional planning advice and member's involvement; in the case of the former planners can direct developers to seek professional advice on their schemes whilst members need to remain impartial at all times.

In respect of the National Park Authority, members are also not members of the committee as locally elected councillors but represent the interests of the National Park. As such the reference in paragraph 3.6.1 that members are "local community leaders" is not strictly true in terms of the National Park Authorities' members who have a wider remit.

As set out in 5 above, the involvement of members could also lead to delay in responding to pre-application enquiries.

Question 7

Do you agree with the practice advice given on processes and tools for pre-application discussions? If not what amendments would you suggest?

Response

Agreed in the main. The use of development briefs as stated can be costly and these often become out of date very quickly.

It is also recommended that pre-application discussions be based on an agreed level of information depending on the type of proposal and this should be set out in each authority's pre-application enquiry protocol. This would assist in clear advice being given that is robust and based on correct and complete information (see response to questions 1 and 2).

Question 8

Do you agree with the contents of the two checklists? If not what amendments would you suggest? Do you have any other suggestions for steps developers and local planning authorities can take to improve pre-application discussions?

Response

Agreed with the addition of the local authorities providing guidance as to the level of information required as suggested in 7 above.

Question 9

Please provide details of case studies that illustrate current pre-application discussion practice.

Response

To be provided.

Question 10

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed please use this space to report them.

Response

It is important to emphasise that pre-application discussions offer a number of benefits to all involved. However, developers must be aware that the pre-application service offered is not a forum for the local authority to create the scheme – the onus for this lays with the developer and his/her agent. Planning authorities are already under considerable pressure with regard to dealing with planning applications and protracted discussions on either minor or poorly presented or little thought through schemes can lead to a considerable use of resources and time that need to be countered with the overall benefits being produced from those discussions.

Responses that are proportional to the enquiry being made are therefore paramount and the quality of the advice being given will be equally proportionate with the quality of the submission being made.

(For further information, please contact Vicki Hirst, vickih@pembrokeshirecoast.org.uk ext 4868)