

Number: WG-12667



Llywodraeth Cymru
Welsh Government

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Consultation Document

Draft Practice Guidance: Realising the potential of pre-application discussions

Date of issue: 29 June 2011

Action required: 28 September 2011

Overview

This consultation provides draft practice guidance for pre-planning application discussions.

How to respond

The closing date for replies is 28 September 2011. You can reply in any of the following ways:

E-mail:

Please complete the consultation response form at Annex 1 and send it to:

planconsultations-d@wales.gsi.gov.uk

(Please include 'Realising the potential of pre-application discussions' – WG12667' in the subject line.)

Post:

Please complete the consultation response form at Annex 1 and send it to the address provided under 'Contact Details'.

Further information and related documents

Large print, Braille and alternate language versions of this document are available on request.

Further information can be found here:

Planning Policy Wales (Edition 4, February 2011)

<http://wales.gov.uk/topics/planning/policy/ppw/?lang=en>

Study to Examine the Planning Application Process in Wales, June 2010.

<http://wales.gov.uk/topics/planning/planningresearch/planningapproach/papers/planningstudy/?lang=en>

Welsh Assembly Government Response to the Recommendations made in: 'Study to Examine the Planning Application Process in Wales', June 2010.

<http://wales.gov.uk/topics/planning/planningresearch/planningapproach/papers/planningappstudy/?lang=en>

Welsh Assembly Government Implementation Plan Update (January 2011)

<http://wales.gov.uk/topics/planning/planningresearch/planningapproach/papers/ipupdate/?lang=en>

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Data Protection

How the views and information you give us will be used.

Any response you send us will be seen in full by Welsh Assembly Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Assembly Government staff to help them plan future consultations.

The Welsh Assembly Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Assembly Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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Section 1

Introduction and Overview

Discussions before the formal submission of a planning application between those proposing development, local planning authorities and other stakeholders can bring significant benefits. A pre-application discussion can help developers understand the application process, draw attention to the requirements of the development plan and ensure that all required information is submitted in support of an application. Discussions can result in the submission of an improved planning application and help to deliver a higher quality of development for the people of Wales.

The Welsh Government has produced draft pre-application discussion practice guidance to help ensure that the benefits of the pre-application stage are realised. The draft guidance is called *Realising the potential of pre-application discussions* and can be read in section 2.

The guidance aims to help local planning authorities in providing advice prior to the submission of a planning application. But it will also be of interest to those proposing developments, consultees and other stakeholders within the planning application process

Where are we now?

Welsh Government policy and guidance already supports local planning authorities and other bodies entering into pre-application discussions with those proposing development. This is reflected in Planning Policy Wales (Edition 4, February 2011, paragraph 1.3.8) which states that “*well-managed pre-application discussions are an important part of the planning process*”. Similar encouragement is given in many Welsh Government Technical Advice Notes and Circulars.

The Welsh Government has not previously drawn advice on pre-application discussions together in one document.

What evidence is there for new guidance?

The need for the practice guide was identified in the *Study to Examine the Planning Application Process in Wales* (WAG June 2010).

Recommendation 12 of this research was to produce a best practice guide for the pre-application stage of the planning application process.

This recommendation was accepted by the Welsh Government and this consultation draft guidance has been produced as a useful aid for users of the planning system. The full response to the study can be found in the Welsh Government Response to the Recommendations made in: ‘Study to Examine the Planning Application Process in Wales’ (WAG June 2010).

What we are consulting on

This consultation is on draft practice guidance for pre-application discussions. The guidance draws on areas identified in research and practice guidance produced in other parts of the United Kingdom and the Republic of Ireland; we wish to receive consultation responses on the following key points. **Each box below contains a summary of an issue which should be read in conjunction with the paragraphs identified in section 2.**

Why enter into pre-application discussions? (See section 2, paragraphs 2.1.1 – 2.1.5)

Summary:

Pre-application discussions can be very beneficial and help deliver high quality development for the people of Wales. They can also help developers and local planning authorities save money and time; reduce refusals of planning applications; reduce appeals; and the conflict that can sometimes characterise the planning system.

The Welsh Government is concerned that the benefits of pre-application discussions may not be fully realised. Reasons that benefits are not realised include: discussion may be approached too informally, there may be a lack of involvement of third parties and discussions can be too late to make a difference to a proposal.

Q1. 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? (As set out in Section 2, paragraphs 2.1.1 – 2.1.5)

Pre-application discussions key principles (See Section 2, paragraphs 3.1.1 – 3.3.1)

Summary:

Pre-application advice should be the product of an open and transparent process, which is inclusive. To be of use pre-application discussions need to be informed by the development plan and national planning policy. Discussions should be early, focussed on key issues, proportional to the proposed development and pragmatic.

Q2. Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)

Statements of service / protocols and recording discussions (See Section 2, paragraphs 3.4.1 – 3.4.3)

Summary:

The scope of services offered by a local planning authority should be detailed in a published statement of service / protocol. The statement of service should make clear what local planning authorities expect from developers and what developers can expect from them. Local planning authorities should consider how best to provide advice in a proportional way on small scale development; this can include providing advice on local authority websites or through leaflets.

Q3. 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? (See section 2, paragraphs 3.4.1 – 3.4.3)

Proportional discussions (See Section 2, paragraphs 3.5.1 – 3.5.3)

Summary:

Discussions should be proportional to the scale and complexity of a proposed development. The approach to small scale development should reflect a proportional approach and local planning authorities should consider publishing written advice for common small scale developments which reflects local circumstances. However to provide effective advice access to a planning officer will often remain necessary.

Q4. Do you agree with the approach taken to pre-application advice for small scale development? If not, what amendments would you suggest? (See section 2, paragraphs 3.5.1 – 3.5.3)

Involving others in discussions (See Section 2, paragraphs 3.6.1 – 3.6.3)

Summary:

Pre-application discussions should engage with local communities and other stakeholders. The local planning authority should take on a co-ordinating role and provide advice on the overall proposal reflecting the views of third parties. Local planning authorities should consider ways in which they can involve their own members at the pre-application stage.

Q5. Do you agree with the approach to involving others in pre-application discussions? If not what amendments would you suggest? (See Section 2, paragraphs 3.6.1 – 3.6.3)

Q6. 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? (See Section 2, paragraph 3.6.1)

Processes and tools for pre-application discussions (See Section 2, paragraphs 4.1.1 – 4.6.2)

Summary:

To deliver pre-application discussions in a proportional way- that is, devoting appropriate resources- local planning authorities have developed a range of approaches to discussions. These include using development briefs, design and access statements, multidisciplinary teams, and agreeing application information.

Q7. Do you agree with the practice advice given on processes and tools for pre-application discussions? If not what amendments would you suggest? (See Section 2, paragraph 4.1.1 – 4.6.2)

Getting the most out of discussions (See Section 2, paragraph 5.1.1)

Summary:

There are many practical steps that both developers and local planning authorities can take to help get the most out of pre-application discussions. Two checklists giving options for getting the most out of discussions are provided for both a developer and a local planning authority.

Q8. 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? (See Section 2, paragraph 5.1.1)

How pre-application discussions are currently working

We would like to find out about your experiences of the pre-application system in Wales, examples could include:

- Developer's experience of pre-application discussions, both positive and negative.
- How other parties who are not developers or local authority planning officers have been successfully involved in discussions. This could include the involvement of local communities, local authority members, voluntary organisations or consultees.

The Welsh Government would like to identify case studies, for inclusion in the guidance, which illustrate successful approaches to providing a pre-application service. Examples could include:

- Local planning authorities who have set out clear guidance on pre-application discussions, perhaps in the form of an adopted pre-application protocol.
- Local planning authorities using information technology and a high standard

of record keeping in their pre-application discussions. We would also like to know of how local planning authorities are monitoring the success of their pre-application services.

- Local planning authorities who offer a proportionate pre-application service. Perhaps providing written advice or a planning surgery for minor proposals or using a development team approach for major proposals.

We would like to know about how local planning authorities have successfully introduced charging for pre-application services.

Q9. Please provide details of case studies that illustrate current pre-application discussion practice.

Opportunity for further comment

Q10. 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: (on the consultation response form at Annex 1).

Section 2

Draft Practice Guidance: Realising the potential of pre-application discussions

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1 Introduction

1.1 Background

- 1.1.1 The Welsh Government's planning policy and guidance encourages local planning authorities and developers to talk through proposals before a planning application is formally submitted. This dialogue is known as a pre-application discussion. Pre-application discussions are supported in Planning Policy Wales (Edition 4, February 2011, paragraph 1.3.8) which states that 'Well-managed pre-application discussions are an important part of the planning process'. Encouragement for pre-application discussions is evident in the Welsh Government's technical advice notes and circulars.
- 1.1.2 Pre-application discussions can help developers understand the application process, draw attention to the requirements of the development plan, national planning policy and ensure that all necessary information is submitted in support of an application. Early discussions offer the opportunity for negotiations at a time when proposals can be altered and improved. Discussion can help identify opportunities to engage local communities and ensure the meaningful involvement of consultees and other stakeholders. These discussions can result in a better planning application and deliver a higher quality development.
- 1.1.3 Recent research into the planning application process identified the need for the planning system in Wales to develop all of the possible benefits of pre-application discussions and recommended the publication of practice guidance¹. The Welsh Government accepted the research recommendation and this guidance seeks to support improvements to pre-application discussions. It has been developed by taking account of existing successful approaches in Wales and similar advice issued elsewhere in the UK.

1.2 Purpose of guidance

- 1.2.1 The guidance prepared with the Planning Officers' Society Wales is intended to assist local planning authorities, but will also be useful for developers, consultees, communities and others wishing to express a view about a planning proposal.

1.3 Scope of guidance

- 1.3.1 The guidance provides advice about pre-application discussions. Most local planning authorities operate a pre-application discussion service and they may wish to consider this guidance as well as local circumstances and priorities when deciding how best to introduce a new service or improve their current service.

¹ Welsh Assembly Government (June 2010) Study to Examine the Planning Application Process in Wales

- 1.3.2 The guidance is related to planning applications, but many of the principles can be applied to other types of local planning authority pre-application discussion. For example its principles could be applied to discussions about listed building or advertisement consent. Other requirements will apply as appropriate for these consents but pre-application discussions will often be helpful.

2 Why enter into pre-application discussions?

2.1.1 Pre-application discussions are discretionary and most local planning authorities in Wales choose to provide a service. This widespread provision reflects the benefits that can be achieved from an early and committed engagement with developers. Pre-application discussions can bring the clear benefit of a higher quality proposal which better reflects national and local policy. Additional benefits include:

- avoiding incomplete applications,
- reducing the number of refusals,
- reducing the number of appeals,
- saving resources,
- establishing timescales and administrative procedures,
- identifying potential difficult issues early,
- reducing conflict and
- improving consistency, certainty and speed for users of the planning system.

2.1.2 Pre-application discussions rely on a constructive approach from both developers and local planning authorities. The benefits are available to both parties. For example a local planning authority should welcome the opportunity to improve a proposal prior to submission and a developer can save time and money by being fully informed before submitting an application. Ultimately a good pre-application service can make an area more attractive to investment. Both local planning authorities and developers can take practical steps to realise the benefits of pre-application discussions; many of these steps have been included in checklists within section 5.

2.1.3 Currently benefits are not fully realised; evidence² has indicated that reasons for this include:

- discussions tend to be undertaken in an improvised ad hoc way;
- there is often a lack of consistency in advice given at pre-application and then at the subsequent application stage;
- discussions may not be entered into or are entered into late in the preparation of a proposal;
- engagement of third parties can be limited and when they are engaged their response may not be timely or constructive; and
- there may be a lack of clarity about a local planning authority's pre-application discussion service and what is offered.

² Welsh Assembly Government (June 2010) Study to Examine the Planning Application Process in Wales

2.1.4 The Public Services Ombudsman for Wales has noted the following examples of complaints about the provision of pre-application advice by local planning authorities:

- the provision of incorrect, misleading or incomplete planning advice before the submission of an application;
- the lack of a system for ensuring that advice was properly recorded; and
- not making it clear that advice was informal and did not commit the Council to a particular decision in the future.³

2.1.5 The intention of this guidance is to support local planning authorities in delivering better pre-application discussions. Local planning authorities are encouraged to be more consistent; to be pro-active in working with developers and third parties; to formalise their pre-application discussion service; and to put pre-application discussions at the heart of their development management service.

³ Public Services Ombudsman for Wales (undated) Planning Application Factsheet (available from www.ombudsman-wales.org.uk/)

3 Providing a pre-application discussion service

3.1.1 Pre-application advice should be the product of a transparent process, which is inclusive and available to all members of a community. The scope of the pre-application service offered by a local planning authority should be explained. As a minimum the range of guidance available and the opportunities for discussions should be publicised.

3.1.2 The Welsh Government expects local planning authorities to approach pre-application discussions by adopting some key principles; local planning authorities should:

- be clear about the nature of pre-application advice and relate it to the adopted development plan and national policy;
- promote early, focussed, and realistic discussions;
- provide a formal service in accordance with a published statement of service / protocol, with records kept of discussions;
- take a proportional approach to discussions based on the scale and complexity of the proposal; and
- take on a co-ordinating/ brokering role in discussions incorporating the involvement of relevant stakeholders and local communities.

3.2 The nature of pre-application advice

3.2.1 Pre-application advice is always given without prejudice to a future decision of a local planning authority; it should always be made clear to developers that any advice given cannot pre-empt the decision of the local planning authority. Local planning authorities should seek to ensure that their advice is clear, correct, complete and does not mislead. Although not binding, a local planning authority should provide consistent advice and there should be no unjustified change in the advice. Where advice does change the reasons for this should be given to those who sought advice. Pre-application discussions should be recorded as outlined in 3.4.2.

3.2.2 Consistency can be improved if local planning authorities ensure that officers are sufficiently experienced to conduct negotiations and provide advice. Local planning authorities should also seek to provide continuity in officer involvement throughout the development management process.

3.2.3 Decisions on planning applications must be made in accordance with the policies of the local planning authority's adopted development plan unless material considerations indicate otherwise. The development plan is the basis on which consistent and meaningful advice can be offered. Any advice should identify relevant plans and policies. Where appropriate, particularly where there is no adopted development plan or the development plan is out of date, reference should be made to national planning policy. Other material considerations, for example any relevant supplementary planning guidance should also be referred to in advice.

3.3 Early, focussed and realistic discussions

3.3.1 Local planning authorities should seek to ensure that discussions with developers and others are:

- as **early** as possible. This ensures that opportunities are taken for creative thinking and collaboration which may only be available at the beginning of a project.
- **focussed** on fundamental issues. Some issues may go to the heart of whether a proposal should be permitted or not, while other issues may be matters of detail or open to negotiation. It is important for a local planning authority to work co-operatively with developers to identify the most fundamental issues; these “show stoppers” should be the focus of discussions.
- based on **realistic** expectations. Expectations placed on developers by local authorities, particularly during negotiations, should recognise their ability to meet any requirements. On the other hand developers should enter negotiations in an open manner so that issues such as the viability of a proposal can be assessed satisfactorily.

3.4 Statements of service / protocols and recording discussions

3.4.1 Local planning authorities could adopt a pre-application statement of service / protocol, which could include the following:

- What is expected from those seeking advice. For example whether there is the need to submit a form and the amount of supporting information necessary;
- How the local planning authority will respond to a request for advice. The likely content of their response, the probable timescale and the approach which will be taken to different types of development reflecting the scale and complexity of a proposal;
- The approach taken to involving third parties, key consultees and local communities; and
- A scheme of fees, where a local planning authority has chosen to apply a charge for their pre-application service and clarity regarding what is provided for the fee.

3.4.2 Records should be kept of all discussions. Information recorded should include the case officer name, the location of the site, the applicant and/or agent, the proposed development and the advice given. When an application is received, pre-application records should be linked to the application to ensure continuity and a complete understanding of a proposal. Local planning authorities should consider the use of standard forms and electronic systems to record pre-application discussions.

3.4.3 Information related to pre-application discussions may be subject to requests under the Freedom of Information Act 2000. The requirements of this legislation should be drawn to the attention of

developers. Information may only be withheld in exceptional circumstances. Local planning authorities may wish to encourage developers to submit reasoned statements why and for how long they consider information should be treated as confidential.

3.5 Proportional discussions

- 3.5.1 Pre-application discussions can be beneficial regardless of the scale of development. However local planning authorities should ensure they take a proportionate approach. The resources used in providing advice should relate to the nature of a proposal. Discussions should be tailored to the specific development and different approaches should be taken depending on the scale and complexity of a development. A range of approaches to discussions are identified in Section 4.
- 3.5.2 Local planning authorities take a variety of approaches to providing advice for minor development. Advice can be provided in the form of supplementary guidance, by directing applicants to the Planning Portal or through a duty planning officer. Written guidance could cover common applications dealt with by a local planning authority, for example house extensions or replacement shop fronts (New guidance on proposed Householder Permitted Development Rights is being developed for issue in 2011). In all cases, the approach to pre-application engagement should take into account the impacts that can arise from such developments and access to a planning officer will often remain necessary.
- 3.5.3 It is more beneficial for certain developments to be informed by pre-application discussions than others. National planning policy and guidance often identifies where discussions are particularly valuable and many of these references in technical advice notes and circulars are identified within section 5.

3.6 Involving others

- 3.6.1 Pre-application discussions can often benefit from the timely and constructive involvement of interested parties. The following groups are of particular importance:
- **Local communities**
The local planning authority approach should be positive towards pre-application community engagement. Opportunities for such community engagement should be identified with developers. When opportunities are identified, local planning authorities should support community involvement by developers.
 - **Consultees**
Statutory and non statutory consultees can often be usefully engaged at the pre-application stage. Local planning authorities should be pro-active and coordinate the involvement of consultees. It is important that sufficient information is available to ensure a meaningful response from a consultee. It is also beneficial for local

authorities to develop arrangements with consultees to facilitate their engagement.

- **Local authority members**

Involvement of local authority members at the pre-application stage can bring benefits⁴. Local authority members are encouraged to fulfil their roles as local community leaders and this should include appropriate involvement at the pre-application stage. Local planning authorities should consider how best to involve members while ensuring the highest standards of probity.

- **Local authority services**

Other local authority services should contribute to an agreed and joined up corporate approach about a proposal, which could be co-ordinated by the local planning authority. This could include the views of local authority services such as economic development, transportation, housing, environmental protection, drainage, nature conservation, education and recreation.

3.6.2 Welsh Government policy supports local planning authorities working in parallel with other environmental consenting regimes⁵. Effective pre-application involvement of relevant stakeholders can help facilitate parallel working and bring benefits; for example it can help prevent contradictory conditions being imposed on different consents and offers an opportunity to identify where parallel submission of related non-planning consents is desirable.

3.6.3 A local planning authority should provide pre-application advice which recognises the views of a range of stakeholders. Where the views of stakeholders conflict, pre-application discussions should seek to resolve these conflicts so far as possible. In some cases issues cannot be settled to the satisfaction of all stakeholders at the pre-application stage. A local planning authority should acknowledge contradictory views, but needs to give an opinion on the overall proposal.

⁴ Planning Advisory Service (2005) Positive Engagement in Planning a Guide for Councillors

⁵ Welsh Assembly Government (Edition 4 2011) Planning Policy Wales paragraph 13.1.3

4 Processes and tools for pre-application discussions

4.1.1 This section of the guidance provides a brief description of some of the processes and tools that can be used for pre-application discussions. Welsh local planning authorities could consider incorporating these into pre-application discussions as appropriate.

4.2 Development briefs

4.2.1 A development brief (area vision or a masterplan etc) for a site is likely to be the most useful and specific document available to support a pre-application discussion. Briefs can be prepared in partnership with stakeholders and should be subject to appropriate consultation. It is possible to produce the document in a collaborative way through pre-application discussions, addressing many of the issues related to developing a site.

4.2.2 The main drawback in the use of these documents is the time and resources needed to draw up, consult on and adopt a brief. They may be too inflexible for many pre-application discussions.

4.3 Design and access statements

4.3.1 Design and access statements need to be submitted with most planning applications; advice on the content of statements is given in Technical Advice Note 12: Design (2009). The development of a design and access statement provides an excellent opportunity for the developer and local planning authority to discuss and agree the major issues regarding a development prior to the scheme being finalised. Local planning authorities should seek to take advantage of these documents at the pre-application stage.

4.4 Multidisciplinary teams

4.4.1 An approach taken by some local planning authorities in Wales is to use multidisciplinary teams for pre-application discussions (often referred to as the Development Team approach). This can bring together a range of interested parties and help facilitate a corporate approach to a development. Developers also need to ensure that they approach discussions with an appropriate range of consultants to address the key issues raised and allow agreement to be reached. A team approach is particularly useful in relation to larger scale and complex development proposals.

4.5 Agreeing application information

4.5.1 One key objective of a pre-application discussion is the submission of a valid planning application that can be readily determined. The Welsh Government has consulted on introducing standard information requirements for planning applications⁶; this outlined planning application validation requirements and identified the importance of

⁶ Welsh Assembly Government (August to November 2010) Introducing Standard Information Requirements for Planning Applications in Wales

pre-application discussions. Using pre-application discussions to agree validation requirements can help address the current delays that occur due to invalid planning applications.

- 4.5.2 A common source of delay in determining planning applications is negotiating the content of planning obligations. The principles of a planning obligation should be established through pre-application discussions. Ideally discussions should facilitate the submission of a draft section 106 agreement or heads of terms with the planning application. Standard templates and model agreements can all be usefully discussed within pre-application discussions. The use of a locally developed planning obligations guide may also be particularly useful at the pre-application stage. Where appropriate the community infrastructure levy should be discussed with developers⁷.

4.6 Other approaches

- 4.6.1 The Design Commission for Wales provides a free design review service, which allows early consultation with its independent expert panel⁸. Its comments on proposals can be particularly useful in progressing pre-application discussions. The Commission also publishes case studies and produces good practice guides on design related issues, which may be useful for pre-application discussions.
- 4.6.2 The Planning Advisory Service in England has published a practice guide entitled: *Constructive Talk: investing in pre-application discussions* (May 2007). As well as supplying advice on pre-application discussions, it contains a tool box of procedures and practices. It incorporates the approaches referred to in this section and it also offers further advice on other approaches such as the use of planning performance agreements; structured participation and demographic sampling; development control forums and interim committee reports.

⁷ The Welsh Government intends issuing guidance on the community infrastructure levy later in 2011.

⁸ Design Commission for Wales (January 2011) *Design Commission for Wales: A Guide to the Design Review Service*

5 What developers and local planning authorities can do to improve pre-application discussions

5.1.1 There are many actions that local planning authorities and developers can take to maximise the benefit of pre-application discussions. These have been developed into **checklists** and are set out below:

5.2 Those seeking advice on development can:

- Get in touch with the local planning authority at the earliest opportunity. Developers should aim to try and obtain advice well in advance of submitting a planning application so that any advice can be taken into account in the final proposal.
- Obtain information from the local planning authority website. Identify and look at the development plan for the area and any other relevant guidance. It is likely that guidance will be available on many significant issues for example: design or parking standards. Doing this research will allow developers to enter in to discussions in an informed way.
- Promote the benefits of their proposal. For example developers should identify and promote the economic value of development through pre-application discussions.
- Consider who will be affected by the proposal and how negative impacts can be minimised. Developers can outline how this was considered during pre-application discussions.
- Bring as much information to pre-application discussions as possible. This will allow for a more detailed response from the local planning authority.
- Keep in mind that the advice provided will not bind the council to a particular decision.
- Seek professional advice early in developing a proposal.
- Where necessary directly involve consultees early, allowing them to give a full response which can influence a final proposal.
- When the application is submitted, give an indication that pre-application discussions were entered in to; this could include the name of the officer who gave advice.

5.3 Local planning authorities can:

- Publicise their service as widely as possible at their office, on websites, in libraries etc. Ensure that all material is accessible, can be understood by the public and highlights the value and availability of discussions.
- Consider how to offer a proportionate and accessible service. Consider providing a basic drop in service to deal with requests from householders, an appointment based planning surgery for larger proposals or a series of meetings incorporating multiple disciplines for a major and complex proposal.

- Offer a private meeting room if requested.
- Make information available to those preparing a proposal, including making available planning history and plans.
- Ensure that planning officers are familiar with the area they cover and ideally know the site of development. Also officers should have an appropriate level of experience to provide advice appropriate to a proposal.
- Ensure continuity of officer involvement throughout the planning process and ensure that advice given is consistent and based on the development plan and material considerations.
- Offer site meetings, a site meeting should be arranged where it would offer clear benefits to the discussion of the application.
- Consider offering an approach where officers from a range of local authority services could be made available. This could include built heritage conservation officers, highways officers, tree officers, building regulation officers and others.
- Give an indication of whether the application is likely to be determined by a planning committee or under delegated powers.
- Make developers aware of freedom of information requirements and how they will treat matters of commercial confidentiality.
- Make certain that records are kept of discussions; this can help ensure that the same advice is given where there are multiple enquiries. Advice should also be linked to any subsequent planning application.
- Seek to ensure that there is consistency between the pre-application stage and the determination of the planning application.

6 Sources of further information and advice

6.1 Welsh Government policy and guidance

6.1.1 The policy and guidance of the Welsh Government contain further information and advice on pre-application discussions. They provide specific advice on when pre-application discussions should be undertaken and the circumstances where particular planning issues make pre-application discussions more important, including:

- *Planning Policy Wales (Version 4 February 2011)*
Paragraph 1.3.8 provides general encouragement for pre-application discussions. It also identifies a number of areas where pre-application discussions are particularly beneficial, including: design (paragraph 4.10.13); wildlife, landscape and countryside issues (paragraph 5.5.1); and telecommunications (paragraph 12.13.6).
- *Technical Advice Note 5 Nature conservation and planning (2009)*
Section 4.2 - importance of pre-application for nature conservation and table 4.1 identifies who should be consulted.
- *Technical Advice Note 8 Renewable Energy (2005)*
Paragraph 6.1 - importance of pre-application to the integration of renewable energy into proposed development.
- *Technical Advice Note 12 Design (2009)*
Paragraph 3.6 and figure 2 - Pre-application discussions are identified as key to creating a pro-active planning system and preparing design and access statements. Paragraphs 6.10, 6.11 and A4.6 - The importance of pre-application discussions for developing design and access statements have been identified. Paragraphs 5.6.1 and A3.9 - The importance of pre-application discussions in relation to the historic environment and access interests.
- *Technical Advice Note 15 Development and Flood Risk (2004)*
Paragraphs 11.4 and 11.5 encourage pre-application discussions involving the environment agency / appropriate drainage body, local planning authorities and developers.
- *Technical Advice Note 19 Telecommunications (2002)*
Paragraph 53 and 66 - pre-application discussions are identified as beneficial for telecommunication applications. Discussions are encouraged with local resident groups, Community Councils and amenity bodies who maybe interested in telecommunications development (paragraph 51). In appropriate circumstances discussions with highway authorities, Cadw and the Countryside Council for Wales are encouraged (paragraph 52).

- *Technical Advice Note 22 Planning for Sustainable Buildings (2010)*
Figure 17 contains advice on undertaking pre-application discussions.
- *Welsh Assembly Government Circular 30/2007 Planning for Gypsy and Traveller caravan sites*
Paragraph 38 identifies pre-application discussions as particularly important to avoid misunderstanding and subsequent problems over planning permission for Gypsies and Travellers. Annex C paragraph 4 gives advice to local planning authorities on issues to consider in giving pre-application advice on Gypsy and Traveller planning applications. Annex D Paragraphs 2-5 gives detailed advice to Gypsies and Travellers on what to consider before making a planning application.
- *Welsh Office Circular 11/99 Environmental Impact Assessment*
Paragraph 14 identifies the benefits of undertaking environmental impact assessment in combination with early pre-application consultations with local planning authorities.
- *Welsh Office Circular 10/99 Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development*
Paragraph 10 advises pre-application discussions between developers, the local planning authority, Environment Agency and sewerage undertakers where the use of non-mains sewerage is proposed.
- *WO Circular 61/96 Planning and the historic environment*
Paragraph 6 advises early consultation, by developers and authorities, on development proposals which would affect historic sites.
- *WO Circular 60/96 Planning and the historic environment: Archaeology*
Paragraph 11 advises early consideration and discussions to identify if archaeological remains are likely to be present at a site.
- *WO Circular 35/95 Conditions*
Paragraph 7 identifies the importance of pre-application discussions in reducing the need for conditions, discussing the terms of conditions and ensuring that they are tailored to a particular application.
- *WO Circular 22/87 Contamination*
Paragraph 12 identifies the usefulness of informal discussions in drawing to the attention of developers the potential for contamination.

- *MPG 2 1988 Applications, permissions and conditions*
Paragraphs 5 and 6 give advice on pre-application discussions for mineral planning applications.
- *Practice Guidance: Planning Implications of Renewable and Low Carbon Energy (February 2011)*
Paragraphs 20.6 - 20.10 give advice on the role of pre-application discussions in renewable and low carbon energy development.
- *Delivering affordable housing using section 106 agreements: Practice Guidance (July 2008)*
Section 5.2 of this document provides advice on pre-application discussions and their importance in negotiating affordable housing requirements.

6.2 Other sources of information and advice

6.2.1 A range of other sources of information and advice are available, within Wales the following are particularly useful:

- *Design Commission for Wales* <http://dcfw.org/>
The Design Commission for Wales offers a design review service which can be particularly beneficial in developing proposals prior to the submission of an application.
- *Public Services Ombudsman for Wales* <http://www.ombudsman-wales.org.uk/>
The Public Services Ombudsman for Wales can investigate complaints about the provision of pre-application advice in Wales.
- *Planning Aid Wales* <http://www.planningaidwales.org.uk/>
Planning Aid Wales is an independent registered charity. They offer free, professional and impartial advice and support on all aspects of land use planning in Wales. They may be able to offer advice at the pre-application stage. They have published a 'Public guide to the land use planning system in Wales' which describes how pre-application discussions fit within the wider planning process.
- *Planning Portal* www.planningportal.gov.uk
The Planning Portal provides information on the planning system in Wales.
- *Royal Town Planning Institute* www.rtpi.org.uk
The Royal Town Planning Institute promotes planning for the benefit of the public. They have published information on the operation of the planning system.

6.2.2 Outside Wales information has been published by a variety of organisations, some of which can be usefully applied in a Welsh context:

- *Planning Advisory Service* <http://www.pas.gov.uk/>

The Planning Advisory Service is an English body which has provided advice on pre-application discussions much of which can be applied in Wales. They have also published a best practice guide entitled 'Constructive talk: effective pre-application discussions'

- *Planning Officers Society* <http://www.planningofficers.org.uk/>
The Planning Officers Society is an English organisation that has published a guidance note on providing pre-application advice Future of Planning portfolio of advice notes No. 8 Pre planning application consultation best practice 3 October 2010. They have also published: Practice Guidance Note No. 3: Councillor involvement in pre application discussions 30 June 2008.
- *National Planning Forum* <http://www.natplanforum.org.uk>
This is an English organisation representing a cross section of organisations with an interest in town and country planning. They have published a document entitled: Good Practice Note No. 2 Pre-application advice for town and country planning (2005).

Section 3

Consultation Questions

Q1	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? (As set out in Section 2, paragraphs 2.1.1 – 2.1.5)
Q2	Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)
Q3	Do 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? (See section 2, paragraphs 3.4.1 – 3.4.3)
Q4	Do you agree with the approach taken to pre-application advice for small scale development? If not, what amendments would you suggest? (See section 2, paragraphs 3.5.1 – 3.5.3)
Q5	Do you agree with the approach to involving others in pre-application discussions? If not what amendments would you suggest? (See Section 2, paragraphs 3.6.1 – 3.6.3)
Q6	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? (See Section 2, paragraph 3.6.1)
Q7	Do you agree with the practice advice given on processes and tools for pre-application discussions? If not what amendments would you suggest? (See Section 2, paragraph 4.1.1 – 4.6.2)
Q8	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? (See Section 2, paragraph 5.1.1)
Q9	Please provide details of case studies that illustrate current pre-application discussion practice.
Q10	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: (on the consultation response form at Annex 1).

The consultation response form at Annex 1 will provide an opportunity to make additional comments when replying to these questions.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential please indicate this on your consultation response.