



Llywodraeth Cymru
Welsh Government

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Summary of Responses

Practice Guide: Realising the potential of pre-application discussions

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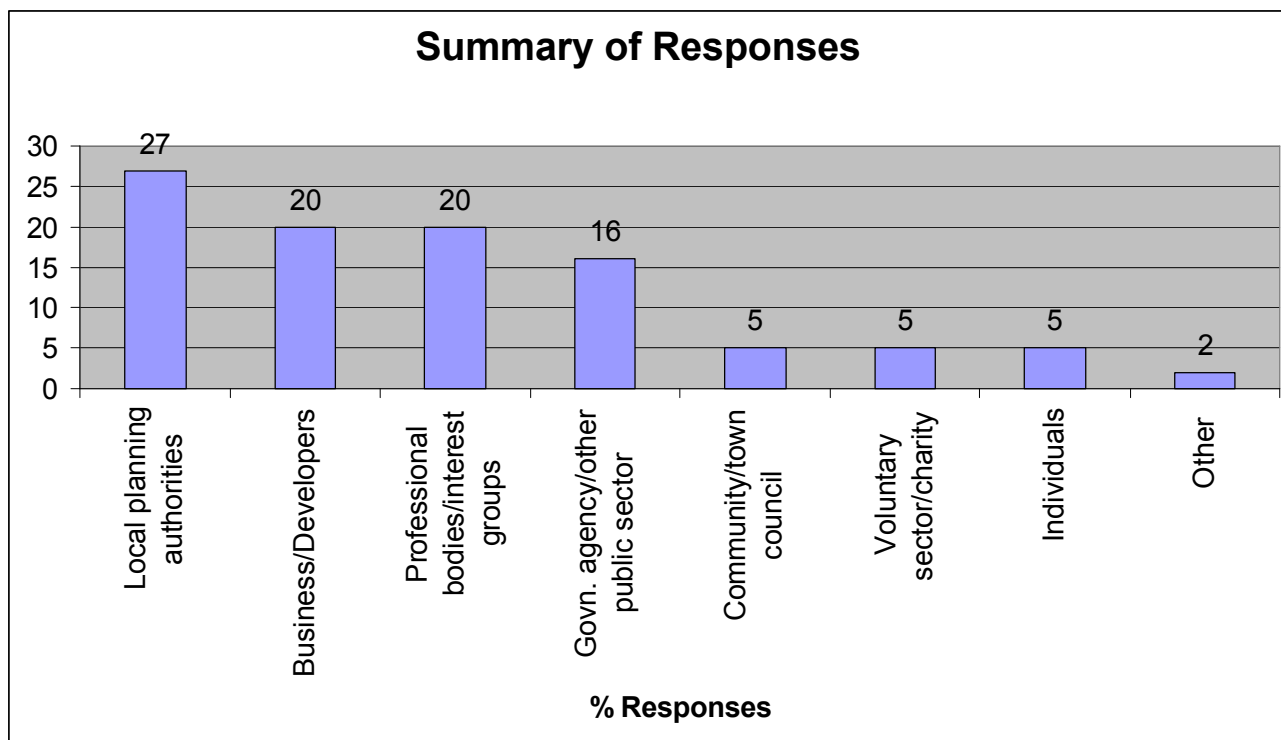
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1. Introduction

- 1.1 The “Draft Practice Guidance: Realising the potential of pre-application discussions” consultation document was launched on 29th June 2011 and was open for responses until 28th September 2011. A total of 10 questions were set out in the consultation document with a standardised form provided for ease of response.
- 1.2 The consultation document generated 56no. responses and there was general support for pre-application discussions as a means of improving the operation of the planning system.
- 1.3 All responses have been considered in drafting the final version of the Guidance Note. The following document provides a summary of responses, arranged into key themes where respondents showed a high level of consistency.

2. Responses

2.1 In total, 56 responses were received for this consultation paper. Of these responses, 93% used the proforma questions found in the consultation. The breakdown of responses is provided in the chart below:



Key Themes

2.2 The responses have been grouped into the following key themes.

- A Pre-application discussions: main principles
- B The operation of the pre-application process
- C The need for a proportionate approach
- D Involvement of other stakeholders
- E Involvement of local members
- F Processes and tools
- G Checklists

3. Summary of Responses by Key Theme

A. Pre-application discussions: main principles

- 3.1 There was general support from all respondent groups for pre-application discussions, with a recognition that such discussions can be beneficial for the operation of the planning system in terms of providing increased clarity, certainty and transparency.
- 3.2 However a number of detailed issues were also raised:
- A number of respondents, both businesses and local planning authorities, emphasised that any advice provided by local planning authorities should be consistent and reliable.
 - Some local planning authorities and professional bodies were keen to clarify that any advice provided by officers is not binding to the local planning authority.
 - Many business, professional bodies and local planning authorities suggested that the guidance note should reflect the need for a proportionate approach to pre-application discussions, to recognise that different applicants and development proposals will require different approaches.
 - Professional bodies considered that the advice should relate to 3rd parties and developers as well as local planning authorities.

Response to representations

- The Practice Guide continues to support and encourage pre-application engagement and emphasises the need for local planning authorities to provide consistent advice. It specifically recommends that all pre-application communication is recorded and linked to a parcel of land or property to assist continuity of advice from local planning authorities.
- The Guide clarifies that all pre-application from local planning authorities is provided on an informal basis, without prejudice to the determination of a planning application.
- The Practice Guide aims to reflect and promote a proportionate approach to the pre-application process and provides specific guidance for applicants. The role of 3rd parties in the pre-application process is addressed in the Guide with links provided to the Planning Portal and Planning Aid Wales for additional information and advice.

B. The operation of the pre-application process

3.3 There was strong support from all groups for local planning authorities to provide a formal pre-application service statement. Detailed points relating to the operation of the pre-application process were raised:

- Some concern was expressed by local planning authorities that commercial confidentiality would undermine open discussions of developments with clarification sought on the implications of Freedom of Information legislation.
- Local planning authorities and professional bodies expressed concern that the consultation document considers that the role of planning authorities is to “broker” deals or “solve” applicant’s problems. Instead, they wanted the guidance note to recognise that local planning authorities can only have regard to the development plan and any other material planning considerations when providing advice on development proposals.
- Businesses expressed the need to ensure that local planning authority advice is recorded and consistent, with continuity of officer involvement throughout the planning process.
- Local planning authorities considered that the role and responsibilities of developers should be better reflected in the guidance, that developers need to respond positively to the pre-application process and that greater emphasis should be placed on the pre-application process as a partnership between applicants and the local planning authority. Applicants should submit sufficient information to facilitate a proper assessment of any pre-application proposal.
- Some professional bodies considered that the proportionate approach to pre-application discussions should include reference to environmental, as well as economic and social, impacts.
- A number of local planning authorities, interest groups and some developers considered that any pre-application consultation with community groups should be undertaken by the applicant rather than the local planning authority.
- Feedback was provided on the issue of charging for pre-application advice with some businesses considering that no fee or only a limited fee should be charged.

Response to representations

- The status of pre-application advice is addressed in the Guide and indicates that applicants should explain their position when specific information is considered to be exempt from Freedom Of Information legislation.
- The Guide has been amended to confirm that local planning authorities can only consider the planning merits of a proposal.
- The roles and responsibilities of the applicant as well as the local planning authority are now addressed in the Guide.
- It is accepted that proportionality should reflect the impact of a particular development rather than simply focus on scale. This issue is now reflected in the Guide.
- The Guide indicates that applicants should be responsible for arranging any pre-application discussions or consultations with the local community and confirms that this should not be the role of the local planning authority.
- The Welsh Government will be issuing a consultation paper concerning the issue of charging for application fees, subject to Ministerial approval and consultation responses.

C. The need for a proportionate approach

- 3.4 There was broad agreement from representatives of all groups that a proportionate approach to the pre-application process should be adopted.
- 3.5 One issue of detail, raised by representatives of business groups, is that the guidance note should reflect the needs of small-scale applicants and recognise that such applicants may not necessarily have knowledge of the planning system.

Response to representations

The Welsh Government recognise that a single approach to pre-application discussions will not necessarily meet the needs of the different types of development and applicant that wish to engage in the pre-application process and the Practice Guide aims to reflect a proportionate approach to all stages of the pre-application process.

D. Involvement of other stakeholders

3.6 In principle, the involvement of other stakeholders in the pre-application process was supported by all respondent groups, subject to a number of issues as listed below:

- Some concern was expressed by local planning authorities about involving local communities in pre-application discussions, particularly due to concerns about insufficient resources, leading to potential delays in the process.
- Representations were received from business, local planning authorities and professional bodies expressing the need for more guidance on engaging communities.
- Individual and town council responses suggested that the role of community and town councils should be recognised.

Response to representations

- The Guide confirms that applicants should be responsible for arranging any pre-application discussions or consultations with the local community and confirms that this should not be the role of the local planning authority.
- Whilst the Practice Guide does not aim to provide detailed guidance for 3rd parties and other stakeholders, the role of 3rd parties in the pre-application process is addressed in the Guide with links provided to the Planning Portal and Planning Aid Wales for additional information and advice.
- Reference to community and town councils in their role as stakeholders that may be involved in pre-application discussions with applicants has now been included in the Guide.

E. Involvement of local members

3.7 This theme generated the following main issues:

- A significant number of local planning authorities, some individuals and business did not support the involvement of local members in the pre-application process. Concerns primarily related to the potential for prejudicing the decision making process and the lack of member knowledge and training.
- Some business, government agency and local authority responses urged caution in terms of involving local members in pre-application discussions due to concerns about probity and code of conduct requirements.
- A significant number of representations from all respondent groups requested clearer guidance on local member involvement.
- There was support from town and community councils for member involvement.

Response to representations

- The Localism Act 2011 encourages local members to engage in discussions and debate with their local communities and clarifies the rules on “predetermination”. The Practice Guide confirms that where local members seek active engagement in pre-application discussions, their involvement will need to be considered against the local authority’s Code of Conduct.

F. Processes and tools

3.8 General support was expressed by local planning authorities, community councils, government and professional bodies for the list of processes and tools defined in the consultation document.

- A proportionate approach to the selection of the appropriate process or tool was advocated by some local planning authorities and businesses with one local authority noting that some of the recommended approaches – development briefs – are resource intensive.

Response to representations

- This point is now addressed in the Guide, which aims to reflect a proportionate approach to the selection of pre-application tools and processes.

G. Checklists

3.9 A significant number of local planning authorities, community councils, government and professional bodies agreed, in principle, with the checklists for local planning authorities and applicants. But a number of detailed issues were raised:

- Some local authorities and a professional body considered that the checklist should refer to the need for applicants to heed the advice of the local planning authority.
- A range of respondents from business, local planning authorities and professional bodies consider that a proportionate approach should be reflected in the checklists.
- Government agencies and a voluntary group recommend that the environmental and social impacts of development schemes should be considered as well as economic impacts.
- Responses have been received on behalf of business, a local planning authority and a professional body stating that developers should seek appropriate professional advice when entering into pre-application discussions.

Response to representations

- The Practice Guide encourages applicants to take account of any issues raised at pre-application stage and to address these issues in their formal planning submission.
- The need for a proportionate approach to the checklists is recognised and the Guide has been rephrased accordingly.
- The applicant checklist has been amended in order to require social and environmental issues to be addressed at the pre-application stage.
- It is beneficial for applicants to seek appropriate professional advice prior to engaging in pre-application discussions as this will help to secure effective and informed debate with the local planning authority. This approach is now recommended in the applicant's checklist.

4. Full List of Respondents

Local Planning Authorities

Brecon Beacons National Park Authority
Bridgend County Borough Council
Caerphilly County Borough Council
City and County of Swansea
Denbighshire County Council/Conwy County Borough Council
Flintshire County Council
Gwynedd Council
Neath Port Talbot County Borough Council
Pembrokeshire Coast National Park Authority
Pembrokeshire County Council
Powys County Council
Rhondda Cynon Taff County Borough Council
Snowdonia National Park
Vale of Glamorgan Council
Wrexham County Borough Council

Businesses/Business Representatives/Developers

Access Included/Disability Wales
Barratt Developments plc
Federation of Small Businesses in Wales
Huw Evans Planning
J Arthur Jones Chartered Surveyor
L.S Planning
National Grid
Nuon Renewables UK Ltd.
Renewable UK
Scottish Power Renewables
Stride Treglown

Professional Bodies/Interest Groups

Farmers Union of Wales
Institute for Archaeologists (IFA)
Institute of Historic Building Conservation
Merthyr Initiative Group
NFU Cymru
RICS Wales
Royal Society of Architects in Wales
RTPI Cymru
The Institution of Civil Engineers Wales Cymru
The Guide Dogs for the Blind Association
The Law Society of England and Wales

Government Agency/Other Public Sector

British Waterways
Cadw
Countryside Council for Wales
Design Commission for Wales
Environment Agency Wales
Health and Safety Executive
Public Services Ombudsman for Wales
The Coal Authority
The Planning Inspectorate

Community Council/Town council

Bangor City Council
North Wales Association of Town and Larger Community Councils
Welshpool Town Council

Voluntary Sector/charities

Campaign for National Parks
Planning Aid Wales
Wales Environment Link

Individuals

Cllr. Jean Forsyth
Mr. Andrew Theobald
Mr. and Mrs. Dalzell

Other

Cynnal Cymru – Sustain Wales

5. Conclusion

All the responses to the consultation paper have been taken into account in the formulation of the final Practice Guide. All respondent groups also submitted case studies, providing a variety of examples of pre-application experiences that have helped to inform the guidance note.

The Welsh Government is committed to the pre-application process and extant national planning guidance - Planning Policy Wales (Edition 4, February 2011) - encourages local planning authorities and applicants to discuss proposals before a planning application is formally submitted in order to improve the quality of applications and help reduce the time taken to deal with a formal application.

The Welsh Government expects local planning authorities to provide a pre-application service. Most local planning authorities already operate a pre-application system and the Practice Guide will provide those authorities with good practice principles that can be incorporated into their existing service. For other local planning authorities, the advice in the guidance will provide the framework for introducing a new service.