

Welsh Government

“Practice Guide: Realising the potential of pre-application discussions”

Individual consultation responses

May 2012

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Leslie Smith	
Organisation	l.s.planning	
Address	4 Weaver Grove Mickle Trafford Chester CH2 4DW	
E-mail address	<u>l.s.planning@btinternet.com</u>	
Type (please select one from the following)	Businesses	x
	Local Planning Authority	
	Government Agency/Other Public Sector	
	Professional Bodies/Interest Groups	
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	
	Other (other groups not listed above) or individual	

	Yes	No
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discussions can be beneficial for the clarity, certainty and transparency of the planning system and that the new draft guidance is useful?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)	x	
Comments: Pre-application discussion should be capable of being relied upon and officers given authority to make firm indications.		

	Yes	No
Q2 Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	x	
Comments: SPDs should be clearly indicated on web sites alongside the Development Plan. Sometimes there is a need to 'trawl' for them.		

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)	Yes	No
		x	
Comments: There should be no charge. Most of the work can be done by a competent agent anyway. Discussions will need to remain confidential at this early stage of the proceedings to protect commercial interests.			

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)	Yes	No
		x	
Comments:			
The more information freely available the more a competent agent can judge the proposal and advise the client			

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)	Yes	No
			x
Comments:			
The process needs to be staged. In many case there needs to be contact with the LPA before anyone else. In some cases there can be quite major consultation exercises prior to even working up a proposal for the LPA.			

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)	Yes	No
		x	

<p>Comments:</p> <p>There still has to be a mechanism of ensuring confidentiality.</p>
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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)	Yes	No
		x	
<p>Comments:</p> <p>Often it is the LPA who fail to call the necessary people to pre-app discussions.</p>			

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)	Yes	No
			x
<p>Comments:</p> <p>A lot of the work can be done by the developer prior to contacting the LPA.</p>			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
			x
<p>Comments:</p> <p>Not in Wales anyway</p>			

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).	Yes	No
			x
<p>Comments:</p>			

I do not want my name/or address published with my response (please tick)

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Keith Jones	
Organisation	The Institution of Civil Engineers Wales Cymru	
Address	Suite 2, Bay Chambers West Bute St Cardiff CF10 5BB	
E-mail address	keith.jones@ice.org.uk	
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

	Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:		

	Yes	No
Q2 Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:		

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The involvement should be with local Members and in cases where the application may affect more than one ward or be close to the boundary include adjoining members			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: none available currently			

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).	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Groves, Alan (ESH - Planning)

From: Andrew Theobald [REDACTED]
Sent: 06 July 2011 20:24
To: planconsultations-d
Subject: Planning

I applied in October 2010 for planning permission for a licence to operate 2 PHV vehicles from my home. I want to operate a specialist tour and bodyguard company and **not** taxis, but unfortunately a 'taxi' licence seems to be the only category available.

I want to operate 1 vehicle initially but thought I would save time later on by applying for 2; especially as I have plenty of room on my drive.

Crucially; when I asked the lady at planning she was unhelpful and quite patronising and **did not** tell me that there was very little chance of any residential property getting permission for 2 vehicles (of course had I been told this I would not have wasted time and money by applying for 2 vehicles and simply would have to buy/rent suitable commercial premises when I expanded from 1 vehicle to 2). Plus, as this is a new venture buying/renting commercial premises at this stage is simply not viable

When this was ultimately (and inevitably) denied, I asked the planning officer (Simon Greenland) why I was not told in my initial contact with his department that I was not likely to get it - he replied (with a sneer I add): 'it is not our job to tell you this' - a remark that I find, especially in this day and age and economic climate, no less than incredulous.

Now I am faced with re-applying with all the very same parameters except one vehicle not two and going through the whole process again all completely unnecessarily.

However the point is that it is obvious that some of our civil servants need a reality check, in my view. They need to realise they are here to help us and be aware of a struggling economy that needs small businesses to get us out of the fiscal quagmire this country is still in. My business will ultimately bring high end clientele to boost the much needed tourism industry in Wales and who knows what further investment might transpire from such people visiting? However it seems this has been set back (and set my business back by immeasurable time and money) due to their, in my view, 'cavalier attitude' towards local people trying to go about their business legitimately.

Kind Regards,

Andrew Theobald
Touring in Elegance Ltd
[REDACTED]

www.specialist-tours.com

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Pat Mears	
Organisation	Caerphilly County Borough Council	
Address	Pontllanfraith House Pontllanfraith NP12 2YW	
E-mail address	stepht@caerphilly.gov.uk	
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

	Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The benefits of pre-application discussions are recognised, and the local planning authority (LPA) would concur that they need to be on a formal and timely footing. Whilst any discussions should not prejudice the determination of any subsequent planning applications, protocols should be in place to ensure that the correct people are involved in the process, and that the appropriate material planning considerations are covered. Those discussions should take place an adequate period before the submission of the planning application to ensure that the outcomes are properly factored into the scheme.</p> <p>Despite the apparent benefits the LPA would question whether pre-application discussions save resources or reduce conflict. Such meetings can only be effective if officers dedicate preparation time to them, make clear records, and sometimes send follow-up correspondence. It is debateable whether conflict will be reduced: decisions will still have to be made on the basis of the development plan and other material planning considerations, which may not satisfy either a developer or a community objecting to a scheme. The involvement of third parties and the local community is discussed further below.</p>		

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Q2	Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The discussions cannot always be open and transparent as a prospective developer may have commercial reasons for requiring early discussions about a scheme to be confidential. It should be established at the outset of any meeting on what basis it is being held. Any advice given would be the same as if the meeting were not confidential, and that could be shown by making an accurate record of the discussions, which could be made public on submission of a planning application.</p> <p>It is agreed that at the outset of any discussions the implications of the Freedom of Information legislation should be made clear.</p> <p>The use of the word ‘inclusive’ raises some concerns without further consideration of who are the parties that should be involved in pre-application discussions. That matter is considered further below.</p> <p>Also, the use of the word ‘pragmatic’ is of some concern. The LPA officers should be constructive in any discussions, suggesting ways of overcoming problems that may arise with any particular development, but strictly within the limits set by the development plan and other material planning considerations.</p> <p>There is reference to discussions having to be ‘realistic’ - any discussions can only be within the context of the development plan and other material planning considerations. LPAs are often criticised for being unrealistic because, for instance, they do not take account of the personal circumstances of the applicant even though to do so in most circumstances would be wholly inappropriate. If a developer cannot meet any particular requirements then he should be informed that there is a prospect that planning permission will be refused.</p> <p>The use of the word ‘broker’ is very unfortunate - it is not the LPA’s role to strike a deal between the developer and a local community. If a developer is entitled to a permission for 30 houses on the basis of the development plan and other material planning considerations, the LPA officers should not seek to reduce that number to appease local residents. This point is developed further below in answer to question 5.</p>			

Q3	Do agree with the advice that local planning authorities	Yes	No
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	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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The opportunity should be taken to produce a statement of service or protocol for adoption by all LPAs in Wales, so that the same standard will be provided in each county. Advice can be provided in leaflets and on the websites</p>			

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)	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>This LPA, in common with others, already produces guidance on small-scale development such as household extensions. However, applications for smaller scale developments are often submitted by those who have little knowledge of the planning system and of its demands, and face-to-face discussions can be invaluable in explaining the principles of what the LPA is trying to achieve, whether any particular scheme is acceptable in respect of those principles, and how best to adapt a scheme to make it acceptable.</p>			

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)	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The comments regarding the involvement of members and the local community at pre-application stage are not supported, as they would potentially jeopardise the decision-making process, and make it open to challenge. It is important to distinguish between the roles of officers, members, and community groups. Officers advise potential applicants whether a scheme is acceptable on the basis of the development plan and other material planning considerations. They may advise the developer, based on their knowledge of the area and its planning history, whether a scheme is likely to be controversial or not. The developer may at that point decide to anticipate any controversy and amend his application accordingly, e.g. by reducing the size or number of the development, but that is a decision for him. He will be entitled to a decision on a larger scheme if he wishes.</p> <p>It is a decision for the developers whether to carry out some community engagement before submitting a planning application, and officers of the LPA should be able to provide advice on the best way of doing so in each case based on their knowledge of an area.</p> <p>Once an application is submitted, councillors and local residents are informed in accordance with the process set out in the General Development Procedure</p>			

Order. Their views are fed in to the determination process, and where any concerns reflect material planning considerations they are taken into account and have an appropriate bearing on the officers' recommendation.

Members making a decision on a planning application should retain an open mind until they are at committee and can consider any recommendation and any concerns raised by local residents or community groups. Members are entitled to make a decision either in accordance with or contrary to the officers' recommendation. In the case of a refusal of permission, the developer can either have regard to any objections and modify his scheme accordingly, or exercise his right to appeal.

That process would be open to judicial review if officers were seen to encourage developers to submit applications that reflected the preferences of local communities, or if members were seen to champion and promote those preferences at an early stage. Decisions could be challenged by other members of the community who were dissatisfied with the apparent compromise that had been negotiated (the word 'broker' is unfortunately used in the consultation paper) or by other competing developers, because clearly the decision would have been heavily influenced and pre-determined on the basis of matters that were not material planning considerations.

LPAs do not have the resources to manage the type of community engagement suggested in the consultation paper. Furthermore, each application no matter how large or small is important to each developer, and the same is true of anyone who neighbours a development. Such pre-application engagement would have to be rolled out to neighbours of household extensions as well those of larger developments, thereby increasing the organisational burden on LPAs.

Members should not be precluded from meeting their constituents, discussing development proposals with them, and passing on any concerns to officers, but they must be seen to give a fair hearing to both sides of the argument before making a decision.

It is good practice to involve other bodies such as the Environment Agency in pre-application discussions, but the concern raised in the consultation document about different regulatory bodies imposing contradictory conditions cannot be wholly eliminated because each body considers a proposal on the basis of different criteria.

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)	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: See answer to question 5			

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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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Best practice advice prepared on a national basis would be helpful in this respect. The use of development briefs is not supported. LPAs often do not have the resources to produce them, but also, once produced, they may fetter alternatives that both the developer and the LPA may generate through constructive and creative discussion.</p> <p>Design and access statements (DAS) are now a statutory requirement in many cases, and although they are a significant burden to applicants as well as the LPA, they should be used as one of the tools in the pre-application process. The other advice on multidisciplinary teams, agreeing application information, the provision of draft s106s and the Design Commission is generally supported. One area requires clarification: the introduction of standard information requirements for planning applications. As no legislation has been introduced to support that requirement, LPAs can only ask for information in accordance with the 1988 Planning Regulations and other statutory instruments, most notably the amendments to the General Development Procedure Order that require the submission of DASs. Transport assessment, wildlife surveys, retail impact assessments and so forth can still only be required once an application has been validated. Further legislation in this respect is urgently required.</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The items in the checklists are acceptable</p>			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>This authority conducts pre-application discussions but there at present no formal protocols in place, and there is no charge for such advice.</p>			

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).	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: There are no additional comments from this LPA.			

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Planconsultations-d@wales.gsi.gov.uk

**DRAFT PRACTICE GUIDANCE:
REALISING THE POTENTIAL OF PRE-APPLICATION DISCUSSIONS**

I enclose a copy of the report approved by the Development Control Committee on 28 July 2011 in response to your consultation in respect of the above. Committee's debate concentrated on question 6 but there was no enthusiasm for Member involvement in this stage of the process given the complexities around this issue.

ITEM : 10

**CONSULTATION DOCUMENT - DRAFT PRACTICE GUIDANCE;
REALISING THE POTENTIAL OF PRE-APPLICATION DISCUSSIONS**

The Welsh Government is consulting with Authorities on draft guidance in respect of the pre-application service provided by Local Planning Authorities to developers. The Members of this Committee are no doubt well aware of the issues associated with pre-application advice having regard to the various workshops and meetings during 2010/11 where this issue was discussed.

The Welsh Government have circulated Draft Practice Guidance which is attached as **Appendix A**. The Welsh Government has posed a number of questions as part of their consultation process and my suggested response to each question is as follows:-

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?

A1. Agree

Q2. Do you agree with the principles? If not, what amendments would you suggest?

A2. Agree

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?

A3. Agree. This Authority already provides a statement of service in respect of pre-application advice.

Q4. Do you agree with the approach taken to pre-application advice for small scale development? If not, what amendments would you suggest?

A4. Agree

Q5. Do you agree with the approach to involving others in pre-application discussions? If not what amendments would you suggest?

A5. Agree. Developers should be encouraged to engage with the local community/neighbours at an early stage to advise them of their proposals and actively seek feedback from them so as to better design their applications.

The Development Department seeks to involve internal consultees in pre-application discussions for major applications and will direct developers to external consultees. In certain cases developers can be advised to contact internal consultees directly.

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?

A6. This is a difficult issue highlighted by reference to probity in an explanatory paragraph to the consultation document. I am concerned that Members could be open to accusations of pre-determination or inappropriate influence before all aspects of a proposal had been detailed in the officer's eventual report to Committee.

In addition the guidance is unclear as to which Members should be involved. Should it be a Cabinet Member, the Chairman, or Chairman and Vice Chairman or a panel from the Development Control Committee, or the local Member (who may have received little or no planning training) or some other combination. Further not all pre-application discussions will necessarily result in a subsequent application.

There may be merit in introducing a system whereby identified Members are circulated with notes or correspondence relating to pre-application advice. This could safeguard probity but improve Members knowledge and understanding of possible future applications.

The Council's current pre-application advice system requires payment for the provision of professional advice to developers.

Q7. Do you agree with the practice advice given on processes and tools for pre-application discussions? If not what amendments would you suggest?

A7. Agree.

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?

A8. Agree. This Authority's pre-application planning advice (which provides clear guidance) and our Planning Expert System which automatically advises whether planning permission is required for householder development is on the planning page of the Council website.

All pre-application advice queries are recorded on the Department's computerised system which generates a unique reference number, date of receipt of query, officer name, location and description of query, enquirer's details. The details comprising the query and the response issued are scanned into our Document Management System and linked by the unique reference number. A full retrievable record of all queries received and advice issued (which includes a disclaimer in the final paragraph) is retained by the Department.

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

A9. None to submit.

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).

A10. None to submit.

Recommendation:

That the report of the Corporate Director - Communities be submitted to the Welsh Government as this Authority's formal response to their consultation document on pre-application discussions.

WELSHPOOL TOWN COUNCIL

DRAFT PRACTICE GUIDANCE:

Realising the potential of pre-application discussions JULY 2011

Introduction

This paper is a consultation on the way preconsultation with regard to planning applications can be of benefit. The need for a practice guide was identified in the 'study to examine the planning application process in Wales (WAG June 2010).

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?

Yes.

Q2 Do you agree with the principles?

Yes.

Q3 Do you agree with the advice that local authorities should provide a statement of service and recommended content?

Yes.

Q4 Do you agree with the approach taken to pre-application advice for small scale development?

Yes. Pre-application discussions should not be onerous.

Q5 Do you agree with the approach to involve others in pre-application discussions?

Yes to a limited extent. The involvement of government and organised groups (such as community councils, residents associations) is good but individual residents would not be helpful.

Q6 Do you agree on increasing the involvement of local authority members at pre-application stage?

Yes at both Authority and Community Council level. The Community Council has a very important role to play in the planning process which is often overlooked or disregarded.

Q7 Do you agree with the practice advice given on processes and tools for pre-application discussions?

Yes in general.

Q8 Do you agree with the contents of the two checklists?

Yes.

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

The case study attached is outlined in a solicitor's letter which shows how pre-application advice should not be completed.

Q10 Are there any other related issues?

Any pre-application advice has to be clear, helpful, understandable and consistent. Too many times officers give advice and then change their minds as the process proceeds.

The issue of timescales for pre-application advice and working up an application needs to be addressed. As a planning application has time restraints (ie 2 or 3 months) so should the officer's response times for pre-application enquiries.

Often a planning application will be almost ready for gaining approval when times runs out (ie the 2 or 3 month period) and due to this, and only this, the application is refused. The previous practice of gaining a months extension of time should be re-introduced to give a more practical approach.

Applications for many schemes are referred to the Design Commission. This is an unnecessary expense and delay in many cases. It is our view that a planning officers should be able to deal with these without any further reference except in special cases.

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name		
Organisation	The Planning Inspectorate	
Address	Crown Buildings, Cathays Park, Cardiff, CF10 3NQ	
E-mail address	wales@pins.gsi.gov.uk	
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

		Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

		Yes	No
Q2	Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The Planning Inspectorate's experience at appeal is that third parties sometimes express the view that they have felt excluded from the application process. This can lead to more time having to be spent at the appeal stage to allow them the opportunity to put forward their concerns. Earlier engagement should help third parties to discuss their concerns with the developer and local authority and hopefully focus subsequent representations at application and appeal stages on key issues, thereby saving time and money for all concerned.			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Design and Access Statements - The Planning Inspectorate would welcome discussions regarding the requirements of Design and Access Statements at the pre-application stage. The importance of ensuring that a Design and Access Statement is submitted, and that it covers the 4 design principles and access element as advised in TAN 12: Design, should be stressed. Article 4D of The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2009 (W.87) should be made clear to all parties.

The Planning Inspectorate's recent experience at appeal stage is that very often Design and Access Statements are inadequate or have never been submitted at application stage. As such many appeals are turned away, resulting in frustration and abortive work for all parties concerned. This has also led to an increase in complaints to The Planning Inspectorate about Design and Access Statements.

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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).	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

**THE NORTH WALES ASSOCIATION OF TOWN AND LARGER
COMMUNITY COUNCILS**

Robert A Robinson FRICS AILCM Secretary
Triangle House, Union Street, Welshpool, SY21 7PG
01938 553142 Email wtcouncil@btinternet.com

9th August 2011

Consultations Dept
Welsh Assembly
Cardiff Bay
Cardiff
South Wales



Dear Sir

Consultation – pre planning consultations

I enclose the response to the above consultation from the Association for you to take into account when formulating any regulations regarding this subject.

The Association confirms that it is prepared to give any oral evidence to a committee if requested to do so.

Thank you for the opportunity to make comment on the consultation.

Yours faithfully


**Robert A Robinson FRICS AILCM
Secretary**

NORTH WALES ASSOCIATION OF TOWN AND LARGER COMMUNITY COUNCILS

DRAFT PRACTICE GUIDANCE: *Realising the potential of pre-application discussions* AUGUST 2011

Introduction

This paper is a consultation on the way preconsultation with regard to planning applications can be of benefit. The need for a practice guide was identified in the 'study to examine the planning application process in Wales (WAG June 2010).

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?

Yes.

Q2 Do you agree with the principles?

Yes.

Q3 Do you agree with the advice that local authorities should provide a statement of service and recommended content?

Yes.

Q4 Do you agree with the approach taken to pre-application advice for small scale development?

Yes. Pre-application discussions should no be onerous.

Q5 Do you agree with the approach to involve others in pre-application discussions?

Yes to a limited extent. The involvement of government and organised groups (such as community councils, residents associations) is good but individual residents would not be helpful.

Q6 Do you agree on increasing the involvement of local authority members at pre-application stage?

Yes at both Authority and Community Council level. The Community Council has a very important role to play in the planning process which is often overlooked or disregarded.

Q7 Do you agree with the practice advice given on processes and tools for pre-application discussions?

Yes in general.

Q8 Do you agree with the contents of the two checklists?

Yes.

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

The general view of the group was the advice given prior to planning applications was different from the comments made about applications when they are submitted.

Q10 Are there any other related issues?

Any pre-application advice has to be clear, helpful, understandable and consistent. Too many times officers give advice and then change their minds as the process proceeds.

The issue of timescales for pre-application advice and working up an application needs to be addressed. As a planning application has time restraints (ie 2 or 3 months) so should the officer's response times for pre-application enquiries.

Often a planning application will be almost ready for gaining approval when times runs out (ie the 2 or 3 month period) and due to this, and only this, the application is refused. The previous practice of gaining a months extension of time should be re-introduced to give a more practical approach.

Applications for many schemes are referred to the Design Commission. This is an unnecessary expense and delay in many cases. It is our view that a planning officers should be able to deal with these without any further reference except in special cases.

Groves, Alan (ESH - Planning)

From: [REDACTED]
Sent: 22 August 2011 15:58
To: planconsultations-d
Subject: Realising the potential of pre-application discussions
 Dear Planning Improvement Branch

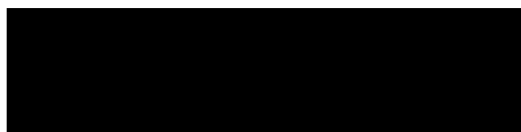
The Campaign for National Parks (CNP) welcomes the opportunity to respond to the consultation on realising the potential of pre-application discussions.

Although written largely for Local Planning Authorities (LPAs) there is a checklist on what a developer can do to improve pre-application discussions. For example, para 5.2 states that those seeking advice on development can consider who will be affected by the proposal and how negative impacts can be minimised.

CNP suggests that something similar could be added to the advice for LPAs outside National Parks to take into consideration negative impacts of developments beyond their LPA area. This could be inserted in para 3.6. or the 5th bullet in para 5.3.

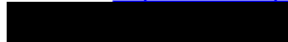
This would help LPAs to deliver their statutory duty to have regard to National Park statutory purposes and would assist National Park Authorities by providing a more efficient and effective dialogue with neighbouring LPAs. It would also help to avoid the scenario in which National Park Authorities identify adverse effects from a particular development outside their boundaries but find that there has already been extensive pre-application discussion resulting in a fully worked up scheme.


We hope that this suggestion is helpful.



Campaign for National Parks
 Tel 020 7924 4077 ext. 222

web site <http://www.cnp.org.uk>



 twitterbutton-0103

Help us to protect the National Parks of England and Wales by making a donation towards our Fighting Fund today

Campaign for National Parks
 6-7 Barnard Mews
 London
 SW11 1QU
 Tel 020 7924 4077 Fax 020 7924 5761

The Campaign for National Parks is registered charity number 295336 and company limited by guarantee number 2045556, registered in England and Wales at 6-7 Barnard Mews, London SW11 1QU.

Please note that the views expressed in this e-mail are those of the sender and do not necessarily represent the views of the Campaign for National Parks. This email and any attachments are confidential and are intended solely for the use of the recipient(s) to whom they are addressed. If you are not the intended recipient, you should not read, copy, disclose or rely on any information contained in this e-mail, and we would ask you to contact the sender immediately and delete the email from your system. Thank you.

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Huw Evans	
Organisation	Huw Evans Planning	
Address	Groes Ucha Llanbedr Ruthin Denbighshire LL15 1SP	
E-mail address	huwge50@btinternet.com	
Type (please select one from the following)	Businesses	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

	Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Pre application discussions are a vital part of the planning process and enable developers to engage early and proceed with greater confidence in preparing and finalising their proposals. Preparing a planning application is a costly and resource hungry process particularly given the level of detail and supporting studies and assessments that are required to accompany outline and full applications. It can provide the developer with an "in principle" agreement albeit one that does not bind future decisions that the planning authority may make. It is difficult to see how a Design and Access Statement can be properly prepared without formal pre application engagement.		

	Yes	No
Q2 Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

•The pre application advice that an LPA is prepared to give should be clearly set out and must relate to the development plan and national policy. If there are material circumstances that justify different advice then they must be well founded and supported by evidence.

Consistency in advice is vital if developers are to have confidence in the advice given and the LPA should ensure that there is an internal mechanism for 'quality checking' the advice that is given.

•Early, focussed, and realistic discussions should be seen as the norm and it is difficult to see how a developer can meet the DAS requirements as set out in TAN12 without being given the opportunity to go through this process.

•The provision of a formal service in accordance with a published statement of service / protocol, with records kept of discussions are also vital elements of the pre app process. Experience shows that the practices of authorities not only varies amongst different councils but also within individual planning services. Much depends on the attitude and commitment of the officer involved and all too often a formal written record of the discussions and confirmation of key matters discussed and agreed are not forthcoming.

•A proportional approach to discussions based on the scale and complexity of the proposal is important but the need for good advice on small schemes should also be recognised. The planning system has developed into a very complex, costly and time consuming process and this applies to small schemes as much as larger ones particularly as the level of information required for outline proposals often means that straightforward 'in principle' confidence in order to progress a scheme is difficult to obtain.

•The role of an experienced planning case officer should be seen very much as that of co-ordinating and making 'planning sense' of a proposal when there may well be conflicting interests of consultees/stakeholders and local communities each pursuing a narrower field of interest.

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <ul style="list-style-type: none"> • There is a clear responsibility on the part of those who seek advice to be both clear as to what is proposed and the particular issues where they seek clarification. Whilst a form would help in certain circumstances it would be better if the developer submitted a report with plans and illustrations setting out what is proposed together with an assessment of the planning policy situation as they see it. This would demonstrate that the developer has given the proposal the required level of thought and research and may also lessen the burden of the LPA. For example I always send a report providing details of the 			

site, the proposal, my understanding of the local and national planning context, any planning history and identify the key issues that need to be addressed and upon which a response is required. I would also identify other service areas that may need to be involved such as highways, environmental health, ecologist, conservation officer etc.

- It is important that the local planning authority make clear how and when they will respond to a request for advice together with the the approach taken to involving third parties, key consultees and local communities.

- Where fees are charged then these should be set within a clear scale providing clarity as to what will provided for the fee. Generally however for the majority of development apart from significant major proposals the pre application service should be provided free of charge. Good advice will assist speed up the application consideration process for which the developer will paying for through the application fee. Given the advice in TAN12 and other planning guidance and good practice pre application advice should be an integral part of the process. There is a very valid concern that some authorities and council Finance Officers in particular will see this as an income generating opportunity and reduce planning budgets accordingly. This has already been evident where the increases in planning fees have been withheld centrally from the planning service.

If fees are to be charged then they should be reasonable and not set at a level which actually discourages pre application submissions - the case of one planning authority charging £1000 for a relatively straightforward proposal is a case in point.

Where elements of a proposal may be regarded as sensitive and confidential then a commonsense approach needs to be adopted where the implications of disclosure are fully understood before the matters are formally discussed.

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The important fact is to ensure that no matter what the scale of development, appropriate advice should be readily available in an undertsandable form and that it is consistently applied.			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Support for this approach is given with a significant degree of caution. In the very early stages it is seldom appropriate for the local community to be involved with the developer and the planning authority. It is at this stage that policy			

issues are identified and hopefully resolved and where various options thought through and it is more appropriate for this to be done at a professional level. The timing of community engagement will depend on the circumstances of each case and where appropriate should be seen as a part of the evolving design process.

Similar caution should be taken in involving local members and timeliness is particularly important. Members must have received a proper level of training and have a clear understanding of their role in the planning process. Experience shows that some Members will be very wary of getting involved for fear that this would prevent them taking a full and active part in the decision making process.

With regard to statutory consultees however it is essential that they are involved where appropriate. The concern lies in the ability of hard pressed agencies such as CCW and EA to respond quickly enough. The truth is that their resources are being seriously eroded to the extent that they struggle to deal with their statutory obligations.

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)	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>A positive response to the question cannot be given until there is confidence that members are properly trained. Too often the merits of a proposal are overlooked in favour of supporting popular public opinion. Members need to be able to distinguish technical and political issues and recognise the importance of adhering to their own adopted planning policies.</p> <p>This is not to say that there are many Members who can and do have a very knowledgeable and constructive role in preapplication discussions.</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>All the elements raised in this part of the consultation document are fully supported.</p>			

Q8	Do you agree with the contents of the two checklists? If not	Yes	No
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	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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>What is missing from the list is the need to foster openness and trust between all parties. This is an essential part of the process and where tensions exist between parties then it would be beneficial for all concerned for an independent but experienced third party to be involved to act in a 'bridge building/mediation' capacity.</p>			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Examples of pre application reports are attached to this consultation response. Not all can be provided as clients are wary of disclosure to such a wide and diverse audience.</p>			

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).	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>1 The need for 'quality control' and checks on advice given. 2 Annual reporting of progress and successful outcomes showing the value of providing a constructive pre application service. 3 Clear guidance on fees and assurances that income generated is retained within the planning service to improve performance and delivery. 4 Alternative to 3 is that pre application fees are reflected in reduced planning application fees. 5 Consideration should be given for similar guidance to be applied to negotiations following refusal of planning permission with the aim of avoiding costly appeals.</p>			

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Simon Gale	
Organisation	Rhondda Cynon Taff CBC	
Address	Sardis House Sardis Road Pontypridd CF37 1DU	
E-mail address	Simon.Gale@RCTCBC.gov.uk	
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

	Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:		

	Yes	No
Q2 Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:		

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The involvement of communities themselves at pre application stage should continue to be something undertaken by the developer. If LPAs become involved in this process, it could only serve to confuse. LPAs could be perceived as promoting particular developments and the community would find it hard to distinguish between pre application involvement and formal consultation at application stage.</p> <p>The involvement of statutory consultees at pre application stage is critical however, both to the quality of pre application discussions and the time taken to determine an application once submitted.</p>			

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)	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>There is an argument for the benefits of officers briefing Members as part of the pre-application process. As the elected representatives of the community, Members can be best placed to articulate the views and needs of the particular community, without forming their own views about the proposal, before the material considerations are all established and assessed.</p> <p>Crucially however Members have to operate in a system whereby probity and the</p>			

highest standards are transparently maintained. At present it is very difficult for Members to get involved in the pre planning process as the line between providing impartial feedback or relating issues which their constituents have raised, and being seen as predetermining a proposal, is in practice not an easy line to tread.

In Rhondda Cynon Taf CBC all Members are on the Development Control Committee which determines all those planning applications which are not considered by officers under delegated powers. Unsurprisingly the appropriate precautionary approach to involvement in planning has been taken. The practical reality of operating in planning can be very difficult for Members currently, particularly as frequently occurs, differing individuals with differing viewpoints attempt to influence Members, who ultimately will be making quasi judicial judgements about specific proposals

Much more clarity would be required from the Welsh Government if the involvement of Members in the pre-application process is to be actively promoted. There needs to be an agreed protocol for Members to work within without fear of accusations, and the roles of both Members and officers needs to be clearly defined. It is not clear from the document whether Members and/or officers are expected to be champions of good developments or unbiased arbiters in the wider process. Without such clarity the system could easily be challenged and/or brought into disrepute.

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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).	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

I do not want my name/or address published with my response (please tick) ☐

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	J Arthur Jones	
Organisation	Chartered Surveyor	
Address	Parc Cefni, Bodffordd, Llangefni. Ynys Mon. LL777PJ	
E-mail address	mail@parc-cefni.co.uk	
Type (please select one from the following)	Businesses	
	Local Planning Authority	
	Government Agency/Other Public Sector	
	Professional Bodies/Interest Groups	
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	
	Other (other groups not listed above) or individual	

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)	Yes	No
Comments: it should not be guidance. Guidance means the LPA can decide not to discuss. Usually the case. So must be a material consideration unless the applicant chooses not to.			

Q2	Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	Yes	No
Comments: The discussions must be minuted and can be used in any appeal. That is they are material.			

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)	Yes	No
Comments: Waste of time nothing but rhetoric. LPA's do what they want regardless of any statement. What is needed is to make planning officers accountable for their decisions. If for example an officer has had 20 decisions successfully appealed against then clearly that officer needs to be moved or retrained. The situation is the stay in post doing the same thing with impunity.			

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)	Yes	No
Comments: Planning is the worst example of the closed shop mentality in Wales. all applicants large or small should decide whether discussions required.			

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)	Yes	No
Comments: Already statutory bodies and local community involved in planning. No reason to have them or anyone else privy to discussions between applicant & LPA. There may for example be personal information or financial information discussed. A copy of the minute of the discussions would be made available in the planning file after applicant has redacted the document.			

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)	Yes	No
Comments: LA members are in the main uneducated irrational and unreasonable when it comes to planning. Much better to teach them about WelshOffice circular 35/95 and the Use of Planning Obligations so they can openly and rationally discuss the issues when applications are considered. The usual response after approving an application is....with the usual conditions!! There are no such things.			

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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)	Yes	No
Comments: Simply regulate to say if an applicant wants discussions then LPA must agree. Simple.			

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)	Yes	No
Comments:			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
Comments: I applied for permission for 6 caravans. application approved with conditions. I was not informed or offered the opportunity to discuss the matter. Now I want a condition removed. Now the officer says write to me and I will see. That means if she agrees I must pay another fee of £330 to remove something that was unlawful in the first place. If I had power to require meeting then my position could have been explained and then if the officer continued with the same decision then I would have a record for appeal to PINS. Two months ago I specifically asked for a meeting with officers. Was refused and the unilateral report went to committee. That is now also being appealed.			

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).	Yes	No
Comments:			

I do not want my name/or address published with my response (please tick)

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name		
Organisation	PRIVATE INDIVIDUALS	
Address		
E-mail address		
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input checked="" type="checkbox"/>

		Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

		Yes	No
Q2	Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: PLEASE SEE OUR COMMENTS ABOUT PROPORTIONALITY IN PARAGRAPHS D.1 AND D.2 ON PAGE 5. OF OUR ATTACHED COMMENTS.			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: PLEASE SEE OUR COMMENTS IN SECTIONS A AND B. ON PAGES 1 AND 2 OF OUR ATTACHED COMMENTS.			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: PLEASE SEE ALSO OUR COMMENTS ON PAGES 1 AND 2 OF OUR ATTACHED COMMENTS			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: PLEASE SEE PAGES 3, 4 AND 5 OF OUR ATTACHED COMMENTS			

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).	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: PLEASE SEE OUR COMMENTS IN PARAGRAPHS D.1 AND D.2 ON PAGE 5 OF OUR ATTACHED COMMENTS			

I do not want my name/or address published with my response (please tick) <input checked="" type="checkbox"/>

Realising the Potential of Pre-Application Discussions – Suggestions:

Q4 Do you agree with the approach taken to pre-application advice for small-scale development ?

A. Issues of Probity:

A.1 Section 3.6.1 of the draft guidance refers to the need for probity on the part of members of a local planning authority. We suggest that the guidance should include similar references to the need for probity on the part of both developers and planning officers.

A.2 Developers should be required to declare any previous direct or indirect contractual involvement/interest in or with the local planning authority and its members and/or officers (not just planning officers) – why shouldn't developers be expected to meet the same standards of conduct expected from members of the planning authority?

A.3 The need for planning officers to meet the standards of probity expected of members and to provide full, impartial and objective advice to both developers and other interested parties should be specified if there is to be public confidence in the process.

B. Applications for Developments Other Than Permitted Development:

B.1 In cases other than those involving unambiguously permitted development, interested parties, such as neighbours, should be given reasonable opportunity to comment on proposed applications **before** the formal submission of applications so that potential areas of dispute can, so far as is reasonably possible, be resolved prior to formal application being made.

B.2 The opportunity for neighbours, to comment before the formal submission of applications should be part of a clearly documented and fairly timetabled procedure **transparent to all parties** involved. We suggest that such a procedure should cover the following rights for neighbours:-

- The right to receive written notice of the proposals together with a statement of the procedure involved, including full details of the process to be followed in the event of agreement of the proposals not being reached by the various parties before formal submission of the application;
- the right to discuss the proposals at their property with a planning officer prior to formal submission of the application;
- the right of reasonable access to the record of the planning officers' advice to the developer/applicant about the proposals before meeting a planning officer at their property;
- the right to full and objective clarification of all reasonable queries in relation to the proposals;
- the right to have an adviser present at a meeting with a planning officer;
- the right to written notice of any decision of the application (after its formal submission) by planning officers using delegated powers, together with notice of their right to request their local councillor (or, in that person's absence, another appropriate person) to "call in" the application for determination by the appropriate body of councillors.

B.3 We think that a reasonably timetabled, transparent procedure covering such points would be fair to all parties and we hope it would help :-

- avoid the friction which can currently arise from applicants not informing neighbours of their proposals prior to submitting applications – even though such communication is generally recommended by planning authorities;
- enable, so far as is possible, differences between the parties involved to be mediated and resolved reasonably, efficiently and without the need to consume councillors' limited time.

Note:

Our comments in sections A. and B. above are based on our direct experience of planning applications in both England and Wales including, most recently, the two outlined, under the heading " Q9 Brief Details of Illustrative Case Studies ", in section C. below. They are also informed by our combined experience of over sixty years of employment in the public sector.

Q9 Brief Details of Illustrative Case Studies:

C.1 The facts of two applications made in 2004 and 2011 in relation to the same property with the same owner, with the same neighbours on each side of the application property, and with the same local council, are outlined below.

C.2 **In 2004** an application for significant alterations was made by the owners of the property without informing the neighbours on either side of the property of their application. Subsequently :-

- both neighbours, on learning of the application from the planning authority, submitted formal objections to the impacts of the application, plus suggestions for modifications, and requested site visits by a planning officer to discuss the issues involved;
- both neighbours received a visit from a planning officer and had the opportunity to discuss issues involved;
- the case officer advised the applicant that the proposed scheme could not be recommended for approval but suggested that it was capable of amendment;
- the applicant, without involving the neighbours, modified the scheme in consultation with the case officer;
- the neighbours were afforded the opportunity to comment on the revised scheme and various suggestions made by them were incorporated in a final version of the application which was then reported to, and approved by, the appropriate committee;
- prior to the committee's approval it was not necessary for councillors to be consulted by the neighbours, to visit the application site, or to be otherwise involved in the application.

C3. **In 2011**, when the owners were trying to sell the property, an application for more extensive alterations to the property than those proposed in 2004 was submitted in the name of a local property partnership whose principal appears to have wished to reside in the extended property with his family. Subsequently :-

- both neighbours first learned of this application only on receipt of a written notification from the planning authority and were later shocked

to read, in the application documents, the statement that “The immediate neighbours are aware of the applicant intentions and have been consulted as part of the application.” – this statement had categorically no foundation in fact;

- both neighbours submitted formal objections to the negative impacts of the applications, plus suggestions for modifications, and drew attention to the application made in 2004;
- both neighbours requested a site visit by a planning officer to discuss the issues involved but no visit was forthcoming;
- the closing date for submission of comments on the application was Monday 18 April and three days later, on Thursday 21 April, a panel of planning officers, apparently using delegated powers, resolved to approve the application – the neighbours found out about this only by chance when they telephoned on 21 April to enquire about possible dates for a site visit;
- the neighbours immediately contacted their local councillor who visited them the following day (Good Friday, 22 April) and advised them that he would “call in” the application for consideration at the next area planning committee meeting at which he would request a site visit by members of the committee;
- the neighbours then made written requests for explanations of various aspects of the application, including an explanation of why the application made in 2004 could not be recommended for approval without modification whereas the application made in 2011, which had greater impact, was accepted without modification on 21 April – regrettably, no explanations have ever been provided;
- thereafter members of the area planning committee duly visited the application site, as requested by the local councillor, on 14 June and the application was rejected by the committee (apparently unanimously) at its meeting on 5 July;
- the applicant then submitted a second application in respect of the property and also lodged an appeal against the committee’s decision with the Planning Inspectorate of Wales;
- the neighbours submitted objections to the second application to meet the deadline of 4 August for receipt of comments and then began to

prepare comments on the appeal for submission to the Planning Inspectorate;

- shortly after the closing date for comments on the second application the local councillor notified the neighbours that this second application had been withdrawn;
- the neighbours were then notified on 19 August, by email from the Planning Inspectorate, that the appeal had been withdrawn.

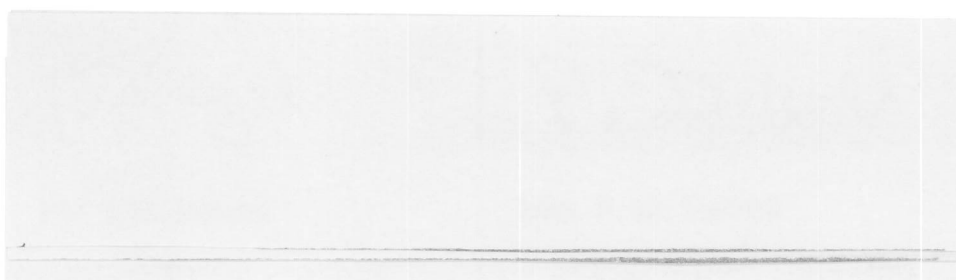
C.4 From our point of view the procedure followed in 2004 was both fairer and more efficient than the procedure followed in 2011. We believe that a procedure incorporating the pre-application discussion elements which we have suggested would not only be fair and efficient but would also reduce the workload of councillors.

Q 10 Related Issues:

D.1 We appreciate the importance of proportionality but we think it is important that in addressing the issues of large scale developments the guidance should not fail to give full and proper consideration to pre-application issues relating to small scale development.

D.2 We think that the guidance should contain full provision for issues of small scale development not only in order to avoid the risk of impairing the amenity and character of individual properties but also to avoid the risk of the cumulative impacts of small scale developments seriously damaging the character and amenity of entire neighbourhoods.

D.3 We hope that the comments and information which we have contributed will be useful. Should further information about these matters be required we will be willing to provide reasonable assistance.



6 September, 2011.

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Alan Southerby	
Organisation	Powys County Council	
Address	The Gwalia Ithon Road Llandrindod Wells Powys LD1 6AA	
E-mail address	alan.southerby@powys.gov.uk	
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

	Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We have no specific further comment to make		

	Yes	No
Q2 Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Whilst there are clear advantages in engaging the wider community in pre-application discussions, a prospective applicant would need to happy with such an approach given that discussions in advance of a formal application are often commercially sensitive		

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>In its consultation, the Welsh Government suggests that pre-application discussions may be subject to FOI requests. Further guidance is considered necessary in order to set out whether commercial sensitivity would be one of the exceptional circumstances referred to. Within this context, Powys welcomes any moves to make pre-application discussions more transparent and open but would not wish to risk developers not engaging in the process because of fears over having to make information about their commercially sensitive prospective developments publicly available</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>In general, Powys agrees with the proportional approach recommended and believes that there is always scope to introduce generic advice for specific development types. However, every site is different and a solution for one site may not be appropriate for another, seemingly similar, site and development. As the guidance notes, there will invariably be the need for bespoke planning officer advice even on small scale proposals and for this reason, it is considered more appropriate to seek to provide specific advice for the vast majority of scenarios</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>There is demonstrable benefit in involving all players that are likely to be involved in a development proposal. Powys agrees that, as the guidance recommends, where the views of stakeholders conflict, pre-application discussions should seek to resolve these conflicts and if that is not possible at the pre-application stage, a local planning authority should acknowledge contradictory views and give an opinion on the overall proposal</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>In principle, yes. Local Member engagement early on the process would be beneficial and would help secure the right development for the area. Such engagement needs to be well managed and it is suggested that available guidance that has been produced in England be incorporated within the final version of this Welsh Practice Guidance</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>No further comment</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>No further comment</p>			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Rather than supply details, Powys would be more than happy to discuss this further via telephone interview</p>			

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).	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Powys intends to set out in a published protocol a range of options for securing pre-application planning advice. Clearly, it will always be an option for an applicant to submit a planning application without the benefit of pre-application advice. However, Powys seeks to avoid this situation by offering a range of available options ranging from planning officer advice for small-scale proposals, involving other key stakeholders as appropriate, the development team approach for major and regeneration-esque proposals through to planning performance agreements for significant proposals such a large-scale renewable energy projects

I do not want my name/or address published with my response (please tick) ☐

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Roisin Willmott	
Organisation	Royal Town Planning Institute (Cymru)	
Address	RTPI Cymru PO Box 2465 Cardiff / Caerdydd CF23 0DS	
E-mail address	roisin.willmott@rtpi.org.uk	
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

		Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes to the first statement. The benefits of pre-applications discussions are generally well recognised by Local Planning Authorities (LPAS) and many already have protocols in place for undertaking pre-application discussions. Many developers already utilise such services before submitting planning applications formally.</p> <p>Pre-application discussions are a key part of the shift towards Development Management rather than Development Control. This shift is fully endorsed by the RTPI.</p> <p>Clarity is needed over the status of pre-application advice, in particular the disclaimer which is often attached by Local Authorities, i.e. that the advice is offered without prejudice to the formal consideration of an application. All parties need to be open and realistic about the process and their expectations and required outcomes of the process. The ability of the LPA to make firm commitments will always be limited by the statutory process to follow once an application is submitted.</p>			

Paragraph 1.2.1 states that the guidance is intended to assist LPAs, and will be useful for others, and it is clear throughout that the guidance is primarily focussed on LPAs. This is a missed opportunity, the guidance scope should be widened to provide more advice to developers and 3rd parties about how they can get involved in pre-application discussions and what their role in the process should be.

Q2	Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, mainly agree with the principles.</p> <p>The idea of the LPA in 'brokering' discussions between developers and relevant stakeholders and local communities is interesting. The role of the LPA in coordinating discussions would appear to be established good practice and is supported by the RTPI. However, it is not the role of the LPA (particularly at pre-application stage) to 'broker' deals between conflicting parties.</p> <p>The importance of getting continuity between the people who give the advice and those who deal with the planning application, once submitted, is noted as important. However, this will not always be possible, therefore LPAs need to try to ensure consistency on the advice given between different officers and to ensure proper records are kept of all discussions, to enable someone else to take over if necessary. The guidance should recognise this.</p> <p>The aims at para 3.3.1 are directed specifically at LPAs but are equally relevant to developers and therefore should be expressed as such, to emphasise the partnership approach that should be embraced in pre-application discussions.</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, agree.</p> <p>LPAs should be clear about their protocols for pre-application advice and make this publically available (e.g. on their web site). Consideration should be given to a range of approaches depending on the type of development proposed and the</p>			

guidance could give some more ideas on this.

The acknowledgement that it is legitimate for LPAs to charge for pre-application advice is welcomed and this should enable LPAs to properly resource their departments to provide effective pre-application advice. However, excessive charging, or a poor delivery of service, will act as a disincentive for applicants to engage in the pre-application process, and should be discouraged.

The guidance refers to the Freedom of Information Act 2000. It would be useful to give more detail on the implications of this legislation for pre-application discussions.

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, agree. Note that often such guidance does already exist in SPGs, design statements, or masterplans.</p> <p>It may be useful to recognise that pre-application advice for householder and minor developments is often sought by persons who have no previous experience of the planning system and therefore the advice needs to be tailored accordingly.</p> <p>The guidance could refer to services offered by Planning Aid Wales.</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The principle of involving others in the process is generally welcomed. However, this has a number of potential problems which could include:</p> <ul style="list-style-type: none"> - the confidentiality of pre-application submissions, i.e. would developers be happy for consultation with 3rd parties and local communities? - community engagement tends at pre-application tends to be more effective when it is coordinated and run by the developer and they can respond directly to concerns raised; - it places a significant resource burden on the LPA; - it relies on the ability of 3rd parties to respond in a timely manner, when in many cases they are already too stretched to respond to statutory planning application consultations; -it could significantly increase the time it takes to arrange a meeting and issue advice; 			

It may be that this approach would be more appropriate to larger scale developments.

Competence and consistency are crucial elements that need to be assured on the part of the LPA and any other consultees.

Effective relations with building control would seem to merit greater consideration and profile in the document than it is currently given.

DCfW encourage and welcome pre app discussion and perhaps this should be noted, as well as how they deal with confidentiality issues.

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Involvement of Local Members may be helpful but could potentially prejudice their position in the future determination of the planning application at Committee, therefore careful protocols would need to be put in place. The guidance does not consider this in depth or recommend how this is approached by LPAs. Further guidance would be useful to clarify the role of members in pre-application discussions.</p> <p>The development industry may find it useful if pre-application advice included judgments about local political objectives and priorities which may need to be factored in to development proposals.</p> <p>Clarification is also needed over what constitutes a Member(e.g. local Ward Member, Committee Member, Cabinet Member). It may be appropriate for certain types of development or larger scale schemes.</p> <p>The need to ensure effective Member training would be critical prior to their active involvement in pre-application discussions.</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, RTPI Cymru consider this a good approach and recognises current good practice already being used by many LPAs in Wales.</p> <p>Pre-application advice can also help reduce the submission of lengthy Design and</p>			

Access Statements and other assessments by establishing what should/need not be covered.

The recording of pre-application discussions and advice may help to address inconsistency of advice from LPAs but there is a danger that the LPA's comments become either very vague or negative as a protection measure.

In Wales there is still not sufficient legislative support for LPAs seeking additional application information such as a Transport Assessment or Tree Survey. Therefore, the statement "Using pre-application discussions to agree validation requirements can help address the current delays that occur due to invalid planning applications." is only really true if this is supported with additional powers for LPAs to insist on the necessary information. At present LPAs cannot refuse to validate an application missing vital background information such as this. Further legislation in this regard is urgently required to prevent lengthy delays in determining planning applications.

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We consider that the checklists to be comprehensive.</p> <p>The developer checklist should encourage the developer to take on board the advice offered by the LPA in pre-applications before submitting formal applications, otherwise the process is a waste of time. This could potentially speed up the application process.</p> <p>The local authority list is very resource heavy and could result in a lot of officers' time being taken up by this process which would take them away from time spent on determining applications. There is no guarantee that a pre-application discussion would result in an actual planning application.</p> <p>It may be useful to include a checklist for 3rd parties and their roles and responsibilities in pre-application discussions.</p>			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>			

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).	Yes <input checked="checked" type="checkbox"/>	No <input type="checkbox"/>
<p>Comments:</p> <p>The publication of guidance is welcome as recognising the emerging patchwork of approaches across Wales - free or charged, senior level or junior advice, etc.</p> <p>Further advice could be given on any charges associated with this service to ensure transparency and consistency across Wales. The guidance should guard against any potential to use charging for pre -pplication advice as a deterrent. Charges should be scaled appropriately to scale of application and the procedure should clarify if it would apply to all types of application, such as householder, LBCs or advert applications. If developers are to pay, they need to get value for money in terms of quality of response.</p> <p>The document could suggest categories of applicants for whom pre-application advice should remain as a 'free' service (or resourced from general funds), for example, charitable trusts, Registered Social Landlords, etc.</p> <p>There is a need for greater consistency between LPAs across Wales in terms of the pre-application service they offer, whether it is charged, and what form it takes. It is hoped that this guidance will improve consistency.</p> <p>Regard needs to be had to what the Ombudsman has already noted previously i.e. that LPA involvement needs to be correct and complete (nothing missing), provided at a senior level and clear that advice is only informal.</p> <p>The guidance should recognise that pre-application discussions could reduce the need for planning conditions at the end of the process (i.e. where issues have been identified and dealt with early on, which may otherwise have been left to deal with by condition).</p> <p>The guidance refers to 'developers', but more might be done to recognise the significant variation in capability and experience of different forms of developers - this could then highlight that some 'developers' would require significant additional support and a bespoke approach to even get the best out of pre-application services (or even to know that it was something that they would benefit from and should take up, especially if there is a fee attached).</p> <p>The guidance often seeks to speak to all forms of development - it may be worth considering a clearer distinction between householder/minor/major forms of development and the forms of pre-application advice that suited to them.</p> <p>LPAs might be more strongly encouraged to provide limited, but easily accessible forms of less formal advice where it is appropriate to do so.</p> <p>There is a need for one to one discussion either in person or by phone to ensure</p>			

that comments are not misinterpreted and that further questions triggered by any discussion are addressed.

The guidance should emphasise the importance of taking account of emerging planning policy which may affect the life-cycle of the advice given, where the LPA are aware of potential changes ahead.

I do not want my name/or address published with my response (please tick) ☐

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name		
Organisation	Snowdonia National Park	
Address	National Park Offices, Penrhyndeudraeth, Gwynedd. LL48 6LF.	
E-mail address		
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

	Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes the draft guidance is useful and should be meaningful for both developer and LPA. The National Park has undertaken pre-application advice for a number of years and has therefore provided certainty for many applicants.</p> <p>A balance needs to be struck between providing good and meaningful advice and not duplicating the work of a planning application in providing the information. There is a danger with engagement of third parties and other stakeholders that this could be the case.</p> <p>Advice however should be informative i.e. it should indicate to the applicant that ,provided certain information is supplied and, subject to certain caveats, a development could be supported by the LPA (although of course not binding)</p>		

	Yes	No
Q2 Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 –	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.3.1)		
<p>Comments:</p> <p>Yes agree with the principle. Simply quoting planning policies and national guidance is however insufficient. Most applications are now submitted by agents who are familiar with local and national policies. It is the interpretation of these policies at the local level which is important.</p>		

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes most definitely. There should be a clear protocol stating what kind of advice will be given. The planning management system is however beaurocratic and if it asksf for information at the outset which duplicates a planning application, the process will become counter productive. A protocol should be flexible and respond appropriately according to the level of detail provided by an applicant.</p> <p>It is obviously important to keep records. Pre application discussion should however be no subsitute for a possible further request for information at the application stage, if this is required and which could result in a positive outcome for all parties.</p> <p>There is a danger that third parties will not be geared up to providing a quick reponse and one way of overcoming this is to ask the developer to pursue a response, or seek clarification from a consultee. This already occurs during the planning application stage.</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Small scale development can aslo be problematic and most of the development in the National Park is small scale. The advice should be proportional to the type of development normally seen within each individual authority.			

Q5	Do you agree with the approach to involving others in pre-	Yes	No
----	--	-----	----

	application discussions? If not what amendments would you suggest? (See Section 2, paragraphs 3.6.1 – 3.6.3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Provided this does not become too onerous and complicated. see comments above.</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>If this is relevant to individual authorities and can help and not hinder the process. Members however need to be impartial until they receive all the facts about a proposal. It is not common practice within SNPA to routinely involve members and in a National Park they have a remit to safeguard wider Park interests rather than merely local issues.</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>In some cases a simple letter outlining the proposal in some detail is as good as anything. The requirement should not be too onerous on the developer otherwise the process will simply replicate a planning application. Although not mentioned in the guidance there should be no charging for the advice as this will be seen as an additional cost on the development process and add to the increasing costs and complications associated with submitting a planning application</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Obviously the content of the advice given from an LPA will be important. If it is nebulous this may create more uncertainty, so it should give some indication as previously stated, on whether a proposal could be supported or not.</p>			

--

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: See copy of our draft pre-application protocol which may be amended following the publication of the consultation document.(document will be forwarded separately)			

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).	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments:			

I do not want my name/or address published with my response (please tick) <input checked="" type="checkbox"/>

Griffiths, Matthew (ESH - Planning)

From: [REDACTED]
Sent: 21 September 2011 09:16
To: planconsultations-d
Subject: Consultation: Realising the potential of pre-application discussions
Attachments: Draft Practical Guidance - Realising the Potential of Pre-Application Discussions (Sept 11).docx

Dear Sir,

I attach a response on behalf of Barratt Developments plc.

Regards

[REDACTED]
Group Planning Director
Barratt Developments PLC

[REDACTED]

The sender of this e-mail is a member of the Barratt Developments group of companies, the ultimate parent of which is Barratt Developments PLC (company number 00604574).

Barratt Developments PLC is registered in England and Wales with its registered office at Barratt House, Cartwright Way, Forest Business Park, Bardon Hill, Coalville, Leicestershire, LE67 1UF, together with its principal subsidiaries BDW Trading Limited (03018173), KingsOak Homes Limited (01993976), David Wilson Homes Limited (00830271) and Wilson Bowden Developments Limited (00948402). BDW East Scotland Limited (SC027535), also a principal subsidiary, is registered in Scotland and has its registered office at Blairton House Old Aberdeen Road, Balmedie, Aberdeenshire, AB23 8SH.

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21/09/2011

DRAFT PRACTICAL GUIDANCE: REALISING THE POTENTIAL OF PRE-APPLICATION DISCUSSIONS

RESPONSE ON BEHALF OF BARRATT DEVELOPMENTS PLC

INTRODUCTION

1. This submission is made on behalf of Barratt Developments Plc who trade under the names of Barratt Homes/David Wilson Homes, Ward Homes and Wilson Bowden Developments.
2. Barratt is Britain's best known housebuilder and has sold over 300,000 new homes around the country and is one of the leaders in terms of low carbon design, urban regeneration and social housing provision, in addition to its mainstream market housing activities.
3. The Company's results for the year ending 30 June 2011 showed we completed almost 11,200 dwellings despite the challenging economic background of which 23.5% were social housing. The Company is building on over 375 sites in England, Wales and Scotland. It re-entered the land market in 2009 and has an owned land bank of about 47,900 plots. The Company also holds about 11,000 acres of strategic land whereby sites are pursued for allocation in the development plan system before a planning application is made.
4. The Company has two Regions that cover the whole of Wales and had an interest in 2011 of some 32 sites across Wales with a total capacity of almost 3,400 plots. Therefore, the Company has a major interest in the operation of the planning system.
5. The Company realises the value of pre-application discussions and engages in them. The Company also has a particular commitment to consultation with the public as part of the planning application process. Overall the Company wishes to see all activities that are important to a successful planning outcome, but sit outside the formal application process, to be meaningful, focused and consistent to provide efficient decision making and thereby the delivery of development.

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?
6. Yes – The key issue is that discussions should be meaningful by both supplying the applicant with a clear understanding of the attitude to an application and the information necessary to enable a determination to be made quickly.
- Q2: Do you agree with the principles? If not, what amendments would you suggest?
7. Yes, but it is essential that there is a clear understanding that the pre-application process is about an information exchange. It, therefore, needs to be focussed on the basis of a clear and shared agenda.
 8. The Company would support the need for Council Officers to be of sufficient seniority that their advice can be relied upon. Indeed, for major applications the Company would expect that the pre-application meeting should always take place with the case officer.

9. It is essential that meetings are minuted and a copy sent to the applicant. Whilst it is recognised that a planning decision is made by Council members (except where they are delegated) the advice should be consistent from the pre-application meeting through to the Committee report.

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?

10. Yes, but it is recognised that the protocol could be different for different types of applications. Indeed, there is considerable merit in setting out different protocols for different circumstances. For example:

- a) Householder applications could operate on the basis of a one-stop shop using a duty officer.
- b) Major applications require a development team approach with possibly more than one meeting and at least one meeting requiring the attendance of other statutory consultees.
- c) Conservation area and/or listed building applications must be attended by the officer responsible for such matters

11. Charging for pre-application meetings should not take place. As observed in paragraph 2.1.1, one of the principal benefits is that they save costs upon the Local Authority. Application fees have to be paid, no matter whether pre-application discussions take place or not. Fee charging discourages applicant participation and so is counterproductive. For a minor application, the applicant sees it as a further addition to unavoidable fees for other local authority services and so if it is charged but is not required, the applicant will opt out. For major applications, the need (which is accepted) to have already speculatively gathered together a lot of information, see a charge as yet another cost of regulation. Given that planning application fees already run into thousands of pounds, and will probably rise further in the near future, and by engaging there is a recognised major cost saving to the authority that a charge is seen as unjust.

Q4: Do you agree with the approach taken to pre-application advice for small scale development? If not, what amendments would you suggest?

12. Yes, as indicated earlier it is reasonable to have a different approach to different scales of application.

13. Where briefs or guidance exist this should not be regarded as the extent of pre-application engagement. Often interpretation of guidance is important and so the availability of a duty planning officer is much preferred.

14. Irrespective of the scale of an application. All the policy information which would be used in decision making should be available on the Council's website and in drawing up the protocols, lists should be provided of the documentation that would be used in reaching a decision.

Q5: Do you agree with the approach to involving others in pre-application discussions? If not, what amendments would you suggest?

15. As set out there are four other important participants in the pre-application process and each should be involved in particular ways.

16. This Company puts great emphasis on public consultation and would seek to carry out such engagement and so support the need for this to be an integral part of the process.

17. It is essential that statutory consultees are involved on the same basis of providing timely and consistent advice as the planning authority. Any protocol must set out the arrangements for statutory consultee involvement in the pre-application process.
18. Similarly, other local authority services must be involved and preferably in attendance at pre-application meetings. The Development Team approach should be the default position for major applications but where this is not possible then the planning officer must be able to confirm he is speaking on behalf of the authority and representing a corporate view. Where the input of other services is essential, a pre-application meeting should not take place unless these pre-conditions can be guaranteed.
- 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?
19. Local authority members are an essential participant in pre-application meetings. Whether they are members of the planning committee or not they must be available to receive a presentation of a major proposal. They can respond or not as they wish or feel appropriate.
- Q7: Do you agree with the practice advice given on processes and tools for pre-application discussions? If not, what amendments would you suggest?
20. Yes, as indicated earlier the Development Team approach should be strongly recommended as the preferred approach for major applications.
21. It should be a mandatory requirement that as part of the pre-application process, the applicant should go away with a clear list of the information requested by the local authority. Validation should thereby be an immediate process upon receipt of an application.
- 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?
22. The checklists are generally acceptable. However, this Company would recommend two amendments:
- a) Bullet 8 of Local Authorities can substitute first sentence with 'Local authorities should normally offer an approach where officers from a range of local authority services are available' and at the end add 'where this is not possible, the planning officer should state and put on a minuted record to the applicant that their views represent the corporate view of the officers of the council'.
 - b) Last bullet of Local Authorities can, substitute 'Seek to ensure' with 'Ensure'.

CONCLUSION

23. Barratt Developments Plc consider that pre-application discussions are an essential tool to provide a good planning service. The Company objective is that they should efficiently enable an applicant to submit a scheme that can be processed without delay. The pre-application process should be focussed and not degenerate into a long series of meetings.

24. A well designed and clearly set out pre-application protocol enables process to be followed which has major benefits and cost savings to the local authority.
25. For the most part, this guidance is supported but there are a number of important qualifications and changes that should be made to ensure there is widespread engagement and the outputs are meaningful.

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name		
Organisation	Health and Safety Executive	
Address		
E-mail address		
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

	Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: HSE agrees with the principle of pre-application discussions, however our focus would be on cases where HSE has exceptional safety concerns. We are not resourced to support all applications in this process.</p> <p>As announced on 21 March 2011, in the next steps in the plans for reform of the health and safety system in Britain, HSE intends to recover the costs of the land use planning advice it provides to developers ie what they should do to mitigate risk to a development near to a major hazard installation.</p>		

	Yes	No
Q2 Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:		

RE: Para 3.2.3 - refers to other material considerations and mentions relevant supplementary planning guidance - perhaps Circular 20/01 'Planning Controls for Hazardous Substances' could also be quoted or a link provided either here or somewhere else in the document.

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)	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: N/A			

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)	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: N/A, but please see response to Q1.			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Meaningful pre-application advice requires a certain amount of detail in the pre-application e.g. baseline/minimum information. Para 3.6.1 is key to HSE's advisory role. It would be helpful if LPAs identified major hazard sites/pipelines relevant to the application. If the proposed development lies within an HSE consultation distance the LPA should then run the application through the PADHI training package to give early indicative advice.			

Q6	Do you agree on increasing the involvement of local	Yes	No
-----------	---	-----	----

	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)	<input type="checkbox"/>	<input type="checkbox"/>
Comments: N/A			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Please see first part of response to Q5 which is key to the provision of pre-application advice.			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Please see response to Q5.			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: N/A			

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).	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: In the list at para 6.1.1. reference could also be made to Circular 20/01 'Planning Controls for Hazardous Substances'. Reference to this Annex could be made at various sections in the guidance and links provided to the documents.			

I do not want my name/or address published with my response (please tick) ☒

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Vicki Hirst	
Organisation	Pembrokeshire Coast National Park Authority	
Address	Llanion Park Pembroke Dock Pembrokeshire SA72 6DY	
E-mail address	vickih@pembrokeshirecoast.org.uk	
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

	Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

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

	Yes	No
Q2 Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

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.

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: 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.			

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)	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: 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.

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)	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>It is not agreed that individual 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. However, there is merit in members being given an opportunity to be involved in the pre-app process through an organised forum/meeting where schemes can be presented at an early stage and issues raised by members on schemes can be explored.</p> <p>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.</p> <p>As set out in 5 above, the involvement of members could also lead to delay in responding to pre-application enquiries.</p>			

Q7	Do you agree with the practice advice given on processes and tools for pre-application discussions? If not what	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

	amendments would you suggest? (See Section 2, paragraph 4.1.1 – 4.6.2)		
<p>Comments:</p> <p>Agreed in the main. The use of development briefs as stated can be costly and these often become out of date very quickly.</p> <p>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).</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agreed with the addition of the local authorities providing guidance as to the level of information required as suggested in 7 above.</p>			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The Authority has recently granted permission for the re-development of four key sites in Tenby. This followed an earlier refusal, following which a number of pre-application meetings took place with the developers to discuss alternative proposals which were tabled by the developers. The developers also carried out consultations with statutory consultees in this process and who also attended meetings in relation to the discussions. The applications which were classified as major in the National Park were determined by committee within the 12 week period subject to the completion of a Section 106 agreement.</p>			

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).	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>It is important to emphasise that pre-application discussions offer a number of</p>			

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.

I do not want my name/or address published with my response (please tick) ☐

To be read in conjunction with Annex 1 Consultation Reference WG 12667

Realising the Potential of Pre-application Discussions

Response to consultation

Question 1 Yes

Question 2 Yes

Question 3 Yes

Comment: There might be a more general interest in seeking pre-application advice if the cost were to be covered within the planning application fee structure rather than treating it as a separate additional charge.

Records of all pre-application advice should not only be formalised, but should also be made available to other interest groups and the Committee taking the final decision. This is particularly important on more contentious applications where the Committee is likely to receive strong representations from third party interest groups.

Question 4 Yes

Comment: The reference to planning officer in paragraph 3.5.2 should be changed to a ***professionally qualified planning officer***. Service cost reductions in some authorities have led to redeployments into case officer positions in the planning service of staff with very limited planning training and expertise. This risks missing in the early stages of an application, issues of potentially great significance in its consideration and impact.

Question 5 Yes

Comment: An obvious omission from the list is Community Councils.

Local members' involvement must also be seen as very important. They are likely to be better versed in local issues and concerns and be familiar with areas of potential conflict than most other contributors. It is important that these are identified and addressed as early as practicable in the process. It is obviously not helpful to developers if major concerns and difficulties are not revealed until late on in the process when a lot has been invested in scheme development.

Question 6 Yes

Comment: See also comment under question 5 above.

Question 7 Yes

Comment: Although decision making is necessarily and properly a local matter, there might be a case for the development of a model template centrally on behalf of the WAG for adoption with or without amendment by individual authorities.

Larger national developers may be dealing concurrently with several authorities, and it must help if there is a consistency in the procedures, which they individually adopt.

The principle of openness, transparency and mutual disclosure should be applied between all contributors to pre-application engagements. Advice from the Design Commission for Wales has proved to be very valuable in bringing technical expertise free from the influence of local political and commercial pressures to the evaluation of major schemes. It is however often labelled 'confidential' and treated like private guidance to developers and planning officers. It can underscore the concerns of local interest groups and prove highly relevant to planning determinations and yet remain buried in planning files, unseen by Committees and inaccessible to local members and third party interest groups until prized out through FOI requests or by individuals trawling through case files. It should be available without restriction to all interested parties from the time of its preparation.

Question 8 Yes

Question 9

Question 10

Comment:

Under prevailing arrangements, the main responsibilities in the planning process and influences on its outcomes inevitably fall on planning departments and statutory consultees whose inputs the planning department coordinates. Local members and other interested parties have no role, and their interest can come to be seen by the professionals as an unwelcome irritation. It can also lead to an unhealthy closeness between developers and officers accompanied by the risk of misunderstandings about the outcomes from the planning process. When a fully developed scheme has to be turned back or radically reshaped by a committee responding to third party representations delivered at its meeting but rebuffed during scheme development, the process has failed badly.

These changes need to be presented in a way, which challenges the often seemingly closed culture of scheme appraisal. They must embrace inputs from councillors and other interested parties and adopt principles of openness and transparency about all assessments views and concerns, which come forward. There should be no defensiveness about standards, policies and principles, and clarity about why some must at times prevail over others.

With the right cultural attitude, the quality of decision taking will improve, there will be more public confidence in the integrity of the process through which it is achieved and contentious applications will be determined with more assurance and clarity.

Councillor Jean Forsyth
Gwynedd County Councillor
and
Community Councillor
for the Hiraal Ward in the City of Bangor

Consultation Response

Realising the potential of pre-application discussions WG12667

From: [REDACTED]

Representing: Merthyr Initiative Group

Date: 26/09/2011

Tel: 01685 370081

Address: [REDACTED]

Question 1

Answer:- Yes pre-application discussions can be helpful provided parties to the discussions share information in an informative, timely and cooperative manner.

Question 2

Answer:- Yes. The Key principles in 3.1.2 need to be adopted by all local planning authorities. Compliance with an up to date local development plan and national policies are of paramount importance in the decision making process.

We agree any advice should identify the relevant local plan and national policies pertaining to the particular application.

Question 3

Answer:- Yes. It would be extremely helpful if local planning authorities provided a written statement of the service they provide and their expectations of any planning obligations required from the developer in respect of large developments.

A written record of pre-application discussions should be maintained by the local planning authority detailing agreements and disagreements.

This should assist in preparing statements of common ground where required.

Question 4

Answer:- Yes. A proportional approach is required when dealing with small scale developments and householder applications.

Decisions on these matters could be made under delegated powers by planning officers except where the applicant is the local authority or one of its employees.

Question 5

Answer:- This is a difficult question to answer in respect of engaging with local communities.

Communities tend to come together only in opposition to a development not when supporting.

The local authority planning officers are best placed to coordinate and balance the views of a range of consultees.

Question 6

Answer:- It will only prolong the process and blur the boundaries between the principle:- officers advise, elected members decide.

Question 7

Answer:- Yes

Question 8

Answer:- Yes. A recognition by developers that clearly defined settlement boundaries are essential in determining whether a development is appropriate in scale and location.

Question 9

Answer:- We have no experience of community involvement in pre-application discussions.

MIG's involvement takes place only after an application is submitted and registered by the LPA.

Question 10

Answer:- The consultation documentation is well thought out and structured.

If adopted it should produce beneficial outcomes for LPA's. developers, statutory consultees and community activists.



PP Merthyr Initiative Group

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Jonathan Pritchard	
Organisation	Stride Treglown	
Address	Treglown Court, Dowlais Road, Cardiff, CF24 5LQ	
E-mail address	jonathanpritchard@stridetreglown.com	
Type (please select one from the following)	Businesses	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

	Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agree that pre-application discussions have the potential to achieve a number of benefits. Advice to local planning authorities and a clear guide for developers is welcomed.</p> <p>Another reason that the benefits of pre-application discussions are not being realised is because of a lack of consistency in terms of the personnel involved (different people have different opinions) and advice from junior officers not being backed up by senior officers.</p>		

	Yes	No
Q2 Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agree with principles.</p>		

Suggest amendment to note that developers are keen to know what "third party" documentation/studies they need to commission to support a planning application to ensure the submission is fully front loaded and no late requests for information are received.

LPA Planners consulting with other departments is crucial to achieving this rather than LPA planners assuming that information is not required.

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes but this should be brief and must emphasise that any Statement of Service should be proportionate to the application. Any minor application which requires a fee, form and minimum 7 working day response time would not be necessary where a telephone and email exchange would be sufficient.</p> <p>The Welsh Government should set out how third parties, key consultants and local communities are involved. Why should this vary from planning authority to planning authority? Consistency needed.</p> <p>Guidance must therefore not be rigid and flexibility is needed where possible.</p> <p>Suggested addition to paragraph 3.4.2 - meeting minutes should be mutually agreed as an accurate record of discussions. This would ensure that everyone is clear about what was discussed and agreed.</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>As noted above, agree to proportionate approach.</p> <p>Experience in England has suggested that due to a lack of resources pre-application advice is not prioritised and it would have been quicker to submit the application and discuss the issues as part of the determination rather than wait for the advice and then submit.</p>			

Agree that involvement of members could be helpful.

Approach should recognise that timely advice is very important.

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)	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Involvement of statutory consultees and relevant local authority services essential to address all technical issues early.</p> <p>In England, applicants for major developments are often required to submit with a planning application a Statement of Community Involvement which outlines what public consultation has been undertaken and the results of this consultation on the proposals. Any involvement of local community and the methods involved (public meetings/workshops/media/websites) should be proportionate to the scale of the application and be based on an understanding of what elements of the proposal are fixed and what could change.</p> <p>The guidance is vague as opportunities for community engagement will always exist. Guidance is therefore needed on when and to what extent community engagement should be pursued.</p> <p>Local authority services - supported involvement where relevant.</p>			

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)	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>An early explanation of proposals to councillors can be helpful to developers and officers as it could assist in dialogue with residents and allow everyone to understand wider issues. Open involvement with councillors could therefore avoid lobbying at a later stage.</p>			

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)	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>			

Agree with tools for pre-application discussions. However, could also consider adding the following

Terms of Reference - outlining what the background to the project is, the proposals themselves, the key issues and key deliverables as envisaged by the project team. This is sent to the LPA in advance of pre-application meetings and used to inform discussions.

Planning Performance Agreements - used for large complex applications as a project management tool to outline an agreed way of working for developers, the Council and stakeholders.

Suggested addition to paragraph 4.5.2 - Statutory consultee consultation allows s106 information to be gathered and assessed and this can also feed into the important issue of development viability.

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)	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Suggested addition</p> <p>LPAs should:</p> <p>- Provide timely advice on the telephone/email for small scale queries</p>			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Student accommodation scheme - Cardiff. Series of meetings stretching from 2009 to 2011 for a constrained site with local opposition. Helpful discussions on addressing key amenity and transport issues. Highways and urban design involved initially but then discussions undertaken with planning officer and area officer. Discussions based purely on plans.</p> <p>Industrial/Office Building Extension and car parking - Caerphilly Borough Meeting with planning officer and senior colleague. Very positive but no consultation with consultees - notably transport/pollution control. Originally advised by planning officers that no transport statement/travel plan required but</p>			

later advised that Highways had requested one. Similarly, raised issue of Coal Authority consultation due to location in a Coal Mining Development Area, but officer with no knowledge that the site was within such an area.

Health & Social Care Development, Powys
Planning officer offered to send draft versions of key technical document (transport, ecology etc) to relevant council departments to review and provide comments on prior to submission.

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).	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: -			

I do not want my name/or address published with my response (please tick) ☐

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Geoff White	
Organisation	Neath Port talbot County Borough Council	
Address	The Quays Brunel Way Baglan Energy Park Neath SA11 2GG	
E-mail address	g.white@npt.gov.uk	
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

	Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The provision of a comprehensive pre-application discussion is essential to the delivery of an efficient yet high quality planning system. It enable developers to minimise their risk and as a consequence increases the attractiveness to inward investment.

The preapplication service provided for some time by this authority not only informs developers on the level of information required to enable them to submit a valid application but also allows for the negotiation of improvements which would not necessarily justify a refusal of the application but their alteration would improve the quality of the scheme. the preapp discussions also look to address issues which would have previously been the subject of a precommencement condition. The discussion of these details at preapplication stage enables for the submission of most if not all those details as part of the planning application which then results in a greater likelihood of securing an unconstrained decision.

Q2	Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Whilst I agree with the principles, implementation of those principles may be a little more difficult to achieve. Some developers appear reluctant to engage in meaningful preapplication discussions especially volume housebuilders. When they do approach the authority it is more often after securing a deal on the land and preparing a draft layout which for economic reasons can only be tinkered with.</p> <p>Time and again we have advised developers to discuss schemes at an even earlier stage so that the preapplication discussions can be more beneficial to all parties, but this doesn't appear to be happening. Developers often complain that pre-app discussions take too long, however this is often as a consequence of developers only taking on board part of the advice given and therefore being asked again to update plans etc.</p> <p>As part of the pre-app discussions undertaken by this authority we try and engage internal consultees in addition to external organisations for example the Environment Agency. It is sometimes difficult to achieve this and has also resulted in advice given by these consultees at preapp stage which is subsequently altered quite significantly following the submission of an application, even if this is shortly after the completion of the preapp discussions. This is both frustrating to the LPA as well as for developers and undermines the benefits associated with preapp discussions. One bad experience will often taint the impression of the service for a developer who may be reluctant to use the service in future.</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We do not currently have a statement of service/protocol because we try to provide a bespoke service to all our clients who themselves have very different methods of working and individual requirements. Nevertheless we do see the need to identify the standard level of detail needed by developers to ensure they get the best and most efficient level of service from the LPA.</p> <p>We currently digitise all preapplication inquiries on our back office planning system which then generates a unique reference number and also links the inquiry to the planning history for the relevant parcel of land/property. All details submitted and generated as part of the pre-app discussions together with</p>			

summaries of all discussions are scanned and saved on our document management system so that they are available to future case officers when dealing with any planning applications on this parcel of land. The above system also enables staff to keep track of all pre-app inquiries submitted to this LPA. It also ensures continuity in terms of the advice given between pre-app and the application stage especially when staff who dealt with the original pre-app either leave the authority or are on leave when a planning application is submitted.

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Nothing further to add over and above the comments raised in my answer to Question 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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: I have referred to this issue in my response to question 3. I would add that there needs to be a balance in terms of consultation to ensure that there isn't duplication in terms of consultations at pre-app and application stage especially in terms of community groups. Will the consultation be formal with specified periods of time to respond and if so will this result in delays in the provision of professional advice to developers?			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The involvement of Members is also difficult to get right in terms of striking a balance between involving them yet ensuring that they do not prejudice their position in terms of the determination of future applications. Some Members are more proactive in terms of planning than others. This may be difficult to manage where we have wards with multiple Members within different political parties, especially where some Members want to get involved and others don't. Where do we draw the line in terms of involving Members? Is it only on preapps which			

we consider controversial and/or of wider community importance. We often find that members have a different opinion to officers in terms of development which they consider to be controversial. For instance, a small extension can be considered to be fairly straightforward to officers but can result in major problems to Members depending on the local personalities involved. The only way around this would be to involve them on all pre-applications which would potentially result in the whole system drawing to a halt, which would be counter-productive.

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This seems to be appropriate on larger schemes.			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Could we include the following: 5.2 - Developers should take on board the justified advice given by the LPA and interested parties involved in the preapplication process unless arguments can be put forward to the contrary. (It is often the case that detailed advice is given by the LPA which is subsequently ignored by the developer and a duplication of negotiation has to take place in terms of the planning application. Whilst it is acknowledged that developers need to include a variety of consultants with different expertise as part of both the preapplication discussions and to prepare the submission of a planning application, it is important to ensure that developers coordinate this properly as it is often the case that the different consultants are submitting information which conflicts with each other. An example of this is whereby the architects submitted a layout plan showing finished levels for the site. The highway and engineering consultants subsequently submitted a plan showing the engineering details including road alignment and drainage details which illustrated the road being 0.5 metres higher than the remainder of the site. This is fairly common place when a number of consultants are engaged on a single project and needs to be resolved by developers as a matter of urgency.			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Comments:</p> <p>We have examples of both good and bad outcomes associated with preapplication discussions.</p> <p>In terms of bad examples, we commenced preapplication discussions with a number of volume housebuilders in relation to schemes across the County Borough. These discussions were progressing well however due to the number of disciplines involved it wasn't progressing as rapidly as the developers required. TAN 22 was then introduced which had cost implications in terms of securing code 3 houses. Despite the fact that the preapplication discussions had a long way to progress the developers submitted schemes prematurely. Although they were valid they were far from acceptable. The negotiations which took place following the submission of the application were time consuming and difficult and resulted in significant delays in the determination of the application.</p> <p>In term of good examples, we have recently had comprehensive discussions on the construction of a large scale warehouse, medical facility, and training offices associated with an industrial operator within our County Borough. The preapp inquiry was registered on our system and discussed by officers within the relevant geographical area</p> <p>Meetings commenced with various companies who were tendering for the bid to design and build this development at the end of April to the beginning of June 2011. This gave the authority the opportunity to identify at the outset what the requirements would be together with the opportunities and constraints associated with this development. By mid june a consultant was appointed and they approached us to organise more comprehensive preapp discussions. Meetings took place together with the exchange of correspondence and advice during June and July 2011. A meeting took place on the 19th July 2011 which identified the level of information required to secure a valid application which would result in minimum if any precommencement conditions. A valid application was submitted on the 9th August 2011. A progress meeting took place on the 31st August between the planning officers and the consultants to discuss not only progress but also the wording of conditions. The planning application was approved on the 2nd September 201. 26 conditions were imposed 4 of which were precommencement conditions associated with archaeology, surface water drainage, pollution prevention and contamination issues. This was a complex scheme and through the cooperation of all parties it has resulted in the approval of a high quality scheme within a relatively short time frame. I am happy to elaborate further on any details associated with this scheme if required.</p>			

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	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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	consultation response form at Annex 1).		
Comments: No further comments			

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name		
Organisation	Brecon Beacons National Park Authority	
Address		
E-mail address		
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

	Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		

	Yes	No
Q2 Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As a National Park Authority we consult internally on formal pre-application submissions (i.e. our Ecologist, Buildings Conservation Officer etc). Advice on highway safety and contamination is available from the relevant Unitary Authorities. However, where relevant, we encourage the developer to seek advice directly from external stakeholders.		

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None.			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None.			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: See response to Q2 above.			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Bearing in mind the confidential nature of the pre-application advice procedure, interaction by officers with Members of the Authority should be undertaken only with the consent of the applicant. It is acknowledged, however, that Members have a role to play and developers should be encouraged to engage Members as well as the Community at an early opportunity generally. A potential pitfall for Member involvement in pre-application discussions would be the need to declare an interest at the time the application is presented to the Planning Committee. The consequence of this would be the inability to participate in the consideration and determination of the application as the public perception would be that the Member has pre-judged the scheme.			

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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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None.			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None.			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <p>Given the confidential nature of the Brecon Beacons National Park Authority's pre-application advice correspondence, we have not provided you with any case studies. Notwithstanding this, I attach for your attention our pre-application advice guidance note and our Planning Surgery advice sheet.</p> <p>The BBNPA welcomes and encourages discussion before a developer or landowner submits a planning application to the National Park.</p> <p>To ensure that we are operating effectively and are able to sustain and improve our current levels of service, we have (since 1st April 2010) decided to charge for some pre-planning application advice - in addition to the fees payable for the submission of applications. This ensures that the cost of providing the service is recovered directly, and does not fall as a general cost to the council tax payer.</p> <p>Some telephone and pre-application advice remains free of charge (including advice given at the surgery meetings that are currently available to members of the public for discussions relating to householder proposals or initial ideas on other small scale planning projects) but for the remainder, a simple charging system has been introduced.</p> <p>Since introducing the formal pre-application advice service in April 2010, the BBNPA has received 89 formal enquiries.</p>			

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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).	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Will the Welsh Government be providing any advice on an appropriate charging regime for providing pre-application advice. Our scale of fees is included in the attached guidance note.</p> <p>It is unlikely that the BBNPA could continue to provide the same high quality formal pre-application service without the cost being offset by fee income.</p>			

I do not want my name/or address published with my response (please tick) <input checked="" type="checkbox"/>

Groves, Alan (ESH - Planning)**From:** Glyn_P_Jones@flintshire.gov.uk**Sent:** 27 September 2011 15:01**To:** planconsultations-d**Subject:** Draft Practice Guidance: Realising the potential of pre-application discussions

I attach comments with regard to the consultation document "Draft Practice Guidance: Realising the potential of pre-application discussions". I have extracted these from a report I have prepared for our Planning Protocol Working Group, hence the fact that the Questions and Summaries are repeated (with the response given below each). The working group will be asked to endorse these comments at its next meeting and I hope that you find the comments useful,

Glyn Jones

Glyn P Jones
 Development Manager/Rheolwr Datblygu
 Environment Directorate/Cyfarwyddiaeth yr Amgylchedd
 Flintshire County Council/Cyngor Sir y Fflint
 County Hall/Neuadd y Sir
 Mold/Yr Wyddgrug CH7 6NF
 Tel/Ffon: 01352 703248

3.08. 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).

RESPONSE : It is encouraging to see that the role of pre-application discussions in improving the quality of development, and in turn meeting the Welsh Government's objectives with regard to sustainability, is recognised as we see this as the prime driver for adopting a robust procedure and allocating resources to this pre-application service. Whether or not charges are levied for pre-application discussions, these need to be justified by the outcome - a better quality of development for the people of Flintshire. As implied above, the consistency of approach across each local authority will help to ensure that this outcome is achieved throughout Wales. There are significant resource implications to providing a full pre-application advice service, which are not going

to be covered wholly by any costs levied, but the benefits are clear and this should be viewed as an "invest to save" opportunity.

The more robust and prescriptive the guidance (and the procedures) for engaging in pre-application discussions, the greater the clarity, certainty and transparency, particularly as many larger developers and agents operate within a number of authorities. There is, however, a need to avoid this becoming a full dress rehearsal for the planning application process and a need to make it clear that these are separate processes. Any confusion by interested parties over the role and status of the pre-application engagement would detract from, rather than contribute to, these three factors (clarity, certainty and transparency).

3.09 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, focused 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).

RESPONSE : It is self evident that any advice given must reflect and be compliant with Development Plan policy in relation to national policy and guidance applied to individual development proposals, and any other factors relevant to the eventual planning decision, there is perhaps more scope for interpretation and a subjective judgement, particularly by planning officers. It is not clear whether this suggests the need to be 'pragmatic' (a word which does not appear in paragraphs 3.1.1 -3.3.1) but this would potentially detract from the 'certainty' of any advice given, in the context of it being made "clear to developers that any advice given cannot pre-empt the decision of the local planning authority".

It is not being suggested that an opinion based on anything other than fact should be avoided; on the contrary, the value of the advice to the developer will increase where he has the planning officer's professional interpretation of such factors. In reality, pre-application engagement is essentially the opportunity for the developer, architect, etc. to gain the planning officer's support for the proposed development. It is important that the significant role of the planning officer in representing the authority in this process is recognised as it is through the planning officer's professional input at this stage that the quality of the submission and the quality of the eventual development will be improved.

There is a danger of the officer's role being seen purely as one of "co-ordinating/ brokering" as opposed to being one of a major stakeholder (as the representative of the authority's interests). This role is the essence of development

management (as opposed to development control) where it "*extends beyond the scrutiny and determination of planning applications to include.....pre-application shaping of developments to promote desired outcomes.*" [PAS - The Culture of Development Management, Feb. 2011].

If this 'quality' input does not come from the planning officer it is difficult to see where it is going to come from, particularly as, in an effort to cut costs, many applications are prepared 'on the cheap', even by major developers. It is the role of the planning system firstly to assess the appropriateness of development proposals and then to mould them into something which complies with national and local policies and guidance. In this respect, the more that can be achieved at the pre-application stage, the better.

3.10 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 planning 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).

RESPONSE : Although the suggested checklists (see below) are useful it may be beneficial to include as an Annex to the guidance a suggested 'statement of service', perhaps based on evidence of best practice. Clearly a common approach to this across all authorities will add consistency and clarity to the pre-application advice.

Flintshire's Procedure Manual sets out the timeline for the provision of this service, making the point that the robustness and quality of the advice given will improve in proportion to the detail and quality of the information provided. The role of published and web based information is also important in that it can relieve the pressure on resources allowing these to be focused on the most significant developments.

Considering these resource implications, there is a need to be 'proportional' in relation to the nature and significance of the development proposed and Flintshire, in line with most authorities, provides a 'drop in' service at Planning reception, which is appropriate for most straightforward developments, house extensions, etc. At the other end of the scale the procedure covering significant development proposals involves a team approach to the provision of pre-application advice and whereas the timelines have to be flexible, to some extent, this effectively amounts to a contract with the developer. Although this is not a

formal Planning Performance Agreement (PPA) it still imposes an expectation over the level and quality of the service provided. As more authorities commence charging for pre-application advice, the greater the expectation for a consistent approach and that the 'contract' is administered in the same way across Wales.

3.11 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 development 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)

RESPONSE : Agreed, but it is difficult to generalise as often what seem to be the most innocuous of developments have significant resource implications and it is important that users of the planning service at whatever level receive advice which is full and robust, but proportionate. See also response to Q.3 above.

3.12 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 coordinating 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.

Q.5. 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)

RESPONSE : There will be developments, usually significant, where the involvement of all stakeholders/interested groups, including those set out in paragraph 3.6.1, will be beneficial. It is not, however, a case of 'one size fits all' and the extent to which all parties are involved at the pre-application stage needs to be considered carefully. There will be occasions when most benefit will be gained simply from a meeting between the developer and/or his agent with the planning officer, where a wider involvement will frustrate the process to the extent that it will not be seen as worthwhile. It should be recognised that pre-

application engagement needs to work for the authority in achieving a better quality of development on appropriate sites and for the developer in seeking robust advice before committing to an investment. Particularly where charges are levied, there will be little incentive if the pre-application process involves all parties and effectively becomes a rehearsal for the formal planning application process. In such scenarios there is a danger that no agreement will be reached or the timescales will be such that the developer will pull out of the negotiations (and possibly out of the development).

The role of elected Members in pre-application discussion and advice again needs to be considered carefully. There are occasions when the local Member will be involved at the outset (indeed may instigate the pre-application engagement) and where his/her involvement will provide the developer with the assurance necessary to commit to a particular development proposal through the planning application process. There will, however, be occasions where the elected Member cannot commit to a view and may well be mindful of the potential opposition to a particular development once it becomes public. In such cases it is probably in that Member's interests not to become involved at pre-application stage, but in all cases it is essential that Members are kept informed of the extent and nature of any pre-application engagement.

3.13 Processes and tools for pre-application discussions (see section 2, paragraphs 4.1.1 - 4.6.2)
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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.

Q.7. 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)
--

RESPONSE : Agreed. All of these processes and tools have a role to play in pre-application engagement in proportion to, and as appropriate to, particular development proposals. In relation to "Agreeing application information" (para. 4.5) it is considered that significant benefits would accrue from the Welsh Government introducing a set of standard information requirements for planning applications. This would benefit the developer from the point of view of greater clarity and consistency across authorities and benefit authorities from the receipt of better quality applications, less time lost on negotiating validity and quicker decisions.

In similar vein the references (in para. 4.5.2) to standardising the formats for Planning Obligations are fully supported and the benefits of "standard templates and model agreements" will be felt at both pre-application and planning application stages, again providing developers with greater certainty with regard

to any additional development costs, even before he commits to a development.

3.14 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 given options for getting the most out of discussions are provided of 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)

RESPONSE : The checklists for both developers and local planning authorities seem to be comprehensive (on the basis that not all steps will be appropriate to all development proposals)

3.15 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 discussion, 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 illustrates successful approaches to providing a pre-application service. Examples could include:

- Local planning authorities who have set out clear guidance on 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 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.

RESPONSE : (Case study can be forwarded).

3.16 Opportunity for further comment

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

RESPONSE : No further comment

Opinions advice, conclusions and other information in this

message that do not relate to the official business of

Flintshire County Council shall be understood as neither

given nor endorsed by it or on its behalf, and consequently

Flintshire County Council shall bear no responsibility

whatsoever in respect thereof.

Deellir na fydd unrhyw safbwyntiau, na chynghorion, na

chasgliadau nac unrhyw wybodaeth arall yn y neges hon,

nad ydynt yn berthnasol i waith swyddogol

Cyngor Sir y Fflint, yn cael eu cynnig na'u cadarnhau ganddo

nac ar ei ran, ac felly ni fydd Cyngor Sir y Fflint yn derbyn

unrhyw gyfrifoldeb am y rhannau hynny o'r neges.

Opinions advice, conclusions and other information in this message that do not relate to the official business of

Flintshire County Council shall be understood as neither given nor endorsed by it or on its behalf, and consequently

Flintshire County Council shall bear no responsibility whatsoever in respect thereof.

Deellir na fydd unrhyw safbwyntiau, na chynghorion, na chasgliadau nac unrhyw wybodaeth arall yn y neges hon,

nad ydynt yn berthnasol i waith swyddogol Cyngor Sir y Fflint, yn cael eu cynnig na'u cadarnhau ganddo

nac ar ei ran, ac felly ni fydd Cyngor Sir y Fflint yn derbyn unrhyw gyfrifoldeb am y rhannau hynny o'r neges.

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Tim Howard	
Organisation	Institute for Archaeologists (IfA)	
Address	SHES, The University of Reading, Whiteknights, PO Box 227, Reading, RG6 6AB	
E-mail address	tim.howard@archaeologists.net	
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

	Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Early engagement between applicants, local authorities and their advisors and other stakeholders is crucial to the effective management and protection of the historic environment.		

	Yes	No
Q2 Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As regards the historic environment, an important resource (in addition to those identified in paragraph 3.2.3) to which reference should be made at the earliest opportunity is the appropriate Historic Environment Record.		

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This should include appropriate consideration of the historic environment.			

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)	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: We are in general agreement with an approach which is proportionate to the likely impact of development. However, heritage assets can often be vulnerable to small-scale development and the impact of development on the historic environment is not necessarily proportionate to the extent of that development. Known and potential buried remains of archaeological significance are often to be found in settlements which are of medieval or earlier origin but are not designated, and remains of archaeological significance are discovered in the course of small-scale and minor development in such settlements. Moreover, the gradual erosion of the archaeological resource through the cumulative effects of repeated small-scale development cannot be ignored. In many cases appropriately designed small-scale development will not harm the historic environment, but early engagement with local authority historic environment advisors would address any concerns.			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Save that local authority services identified under the fourth bullet point at paragraph 3.6.1 should include heritage and archaeology services.			

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	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

stage? (See Section 2, paragraph 3.6.1)		
Comments: No comment.		

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)	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment, save to repeat that the Historic Environment Record is an important tool as regards the historic environment.			

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)	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment, save that consulting the relevant Historic Environment Record should be included in the list at paragraph 5.2 and archaeological officers should be included along with heritage conservation officers in the eighth bullet point under paragraph 5.3.			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: Such case studies are better provided by our members.			

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).	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.			

I do not want my name/or address published with my response (please tick) ☐

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Stella Owen	
Organisation	NFU Cymru	
Address	Ty Amaeth, Royal Welsh Showground Builth Wells Powys, LD2 3TU	
E-mail address	Stella.owen@nfu.org.uk	
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

	Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: NFU Cymru agrees that the use of pre-application discussions can be extremely beneficial to all those involved in the planning application process. Not only can this type of service provide potential applicants with advice and guidance prior to the submission of the actual planning application, the pre-application process will undoubtedly reduce costs and time where anomalies and queries have been dealt with before the official process has been entered into. We sincerely hope that a successful pre-application service would also reduce the likelihood of refusals and hence reduce the number of appeals which can be lengthy, exhaustive and costly.		

	Yes	No
Q2 Do you agree with the principles? If not, what amendments would you suggest? (See Section 2, paragraphs 3.1.1 – 3.3.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:		

NFU Cymru agrees with the principles which have been outlined in Section 2. We would however wish to draw to your attention to the importance of consistency. Advice and guidance provided within planning departments should be clear and concise. Furthermore, the pre-application service/process between the various local authority planning departments and National Parks throughout Wales should also be consistent.

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We agree that Local Planning authorities could adopt a pre-application statement of service/protocol which will make any applicant aware of the process and service available. A full breakdown of costs related to the service should also be provided, we would however not wish to see this service attract excessive costs for applicants. One other concern we would raise is the approach taken towards third party involvement. We would argue that this should be under the discretion of the applicant with regard to what stage in the planning process they wish to seek views from third parties. Whilst this issue should be discussed during the pre-application process, we would contend that any views from third parties should only be sought if the applicant has agreed for this action to take place.</p>			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>NFU Cymru agrees that pre-application discussions can be beneficial, regardless of the scale of the development. It has been outlined that written guidance could be produced to provide applicants with standard advice, but we would ask that any written guidance provided, for example on websites or information documents, is maintained and kept up to date by planning departments.</p>			

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)	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As outlined above, the discussion of third party involvement will be a vital part of the pre-application advice and guidance process for the applicant. We would expect sufficient advice on the advantages and disadvantages of seeking third party views prior to the submission of any application to be discussed with the applicant. This in our view will allow any applicant to make a more informed decision on when the timing is right to approach other stakeholders and local communities views. It may be the case that stakeholders/local community concerns can be ironed out and resolved prior to the submission of the actual application which will undoubtedly speed up the process but unfortunately this may not always be the case.

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)	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As above outlined in Question 5.			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: NFU Cymru welcomes the number of processes and tools which could be made available to planning applicants should they enter pre-application discussions. We agree that pre-application discussions could be vital in terms of addressing problems within applications prior to the submission of the final application which, we would hope, in turn reduce the likelihood of unnecessary delays and refusals.			

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)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: No further comments			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: N/A			

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).	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: N/A			

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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