

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name		
Organisation	Royal Society of Architects in Wales	
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 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discussions can be beneficial for the clarity, certainty and transparency of the planning system and that the new draft guidance is useful?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: In a survey completed by our members and overwhelming 91% felt that pre-application discussions are beneficial.		

	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:			

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:			

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: The RSAW would be happy to comment further or provide further evidence. Please feel free to contact us if you would like to arrange this.			

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



28th September 2011

Planning Improvement Branch
Planning Division
Welsh Government
Cathays Park
Cardiff CF10 3NQ

By email to planconsultations-d@wales.gsi.gov.uk

Dear Sir/Madam,

**COMMENTS ON THE CONSULTATION DOCUMENT
'DRAFT PRACTICE GUIDANCE:
REALISING THE POTENTIAL OF PRE-APPLICATION DISCUSSIONS'**

ScottishPower Renewables (SPR) is an energy company with a remit for developing and operating renewables assets and supplying electricity. SPR is the largest operator of onshore windfarm assets in the UK with over 1GW operational and the UK's leading developer with a large pipeline of future projects, with offshore wind, wave and tidal renewable energy projects becoming increasingly significant.

We currently have one operational wind farm in Wales and a development portfolio with several Welsh sites.

We would like to make the following key points on the document, and attach our responses to the consultation questions at Annex 1:

- Does this guidance apply to all applications? There is no recognition of the differing role the LPA has as a consultee in the IPC process. The councils taking on a "co-ordination" and "brokering" role (paragraph 3.1.2) might not be as applicable when they are a consultee rather than the determining body?
- Paragraph 3.6.3 states that the council needs to give an opinion on the overall proposal pre-application. It needs to be remembered that all consultation should occur at a point in time where there remains flexibility within the project.

Should you require any further information or clarification, you should not hesitate to contact either myself or [REDACTED]

Yours faithfully,

[REDACTED]
Development & Policy Manager
ScottishPower Renewables

ScottishPower Renewables Cathcart House, Spean Street, Glasgow G44 4BE
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www.scottishpowerrenewables.com

Annex 1: ScottishPower Renewables (SPR) comments on the Consultation Questions

Consultation Questions
<ol style="list-style-type: none"> 1. Yes, we agree Pre-Application Consultation (PAC) can be beneficial and increase transparency 2. PAC should occur when it can influence proposals and there's an element of flexibility left in the project. 3. Yes, LPAs should provide a statement of service – but this needs allocated resource 4. Yes, a proportional approach needs to be taken, but this still needs appropriate resource 5. Yes, PAC should engage with the community. But it should be understood that it is the developer's role to consult with the local community, not a parallel PAC consultation process led by the council. 6. We are always cautious at involving Members at the pre-application stage (more to comply with Council rules rather than ours). 7. Yes. Multidisciplinary teams would be helpful (thinking of the current transport issues in Wales) and agreeing application information (only comment would be this needs to be a guide and not 'exclusively' what would be accepted) 8. The checklists seem appropriate. However, we're not sure how the last bullet point on page 22 will be capable of implementation?
<p>9. Feedback from SPR Project Teams on experiences with the pre-application system in Wales.</p> <p>Positive & Negative Examples In our experiences, the Councils have taken very different approaches.</p> <p>Positive Examples</p> <ul style="list-style-type: none"> • Joint pre-application meetings where more than one local authority is involved • Joint meetings and sharing of resources with the National Park Authority • In house expertise in existence • Recognising that where in house expertise is in existence these can be used without the need for undertakings <p>Negative Examples</p> <ul style="list-style-type: none"> • Possible inconsistency – but it needs to be recognised that each local authority will have different resources and approaches so this is inevitable • Lack of guidance • Lack of staff retention – the guidance recognises this • Changing legislative background – inevitable <p>Inclusion of other parties Inclusion of other parties, except for other LPAs and the National Park would duplicate consultation under the planning process and slow progress. Would expect that LPAs should defer to statutory consultees where they don't have the in house expertise.</p> <p>Clear guidance from other agencies IPC guidance in being regularly updated, so it's a bit early to say. The fact that so much IPC guidance is in existence and seems fairly robust can only be a good thing.</p>

LPAs using IT to record PAC?

The record keeping should lie with the developers and be summarised in the developers consultation report. This gives us control over the information that can be subject to FoI.

Examples of proportionate PAC?

Too early to say

Feedback on introduction of fees for PAC

A developer can put in place an “undertaking” for specific agreed deliverables and a scope of works, rather than an all encompassing Planning Performance Agreement (over which we would have less control).

10. A further point - consistency and clarity of roles between planning authorities and statutory consultees is extremely important for Developers. Both of which should have adequate financial and skill resources to avoid delay and bad decisions.

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Kayna Tregay	
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E-mail address	kayna.tregay@environment-agency.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"/>
<p>Comments:</p> <p>We support the Welsh Government's view that pre-application discussions can be beneficial for the clarity, certainty and transparency of the planning system. We believe that this is particularly important where the Local Planning Authority (LPA) does not have an up to date development plan in place, which would otherwise help identify suitable sites. Choosing the wrong site to develop will inevitably make it difficult to achieve a positive outcome, irrespective of how much pre-planning is entered into.</p> <p>To maximise the benefits of pre-planning discussions, consultees such as the Environment Agency, need to be involved early in the process. This will help ensure that the LPA and developer are fully aware of the issues and opportunities associated with a particular site. These discussions may also prevent developers from needlessly spending money on unviable development proposals. To avoid any misunderstandings and ensure the LPA is fully aware of the issues, we believe that Consultee input should be co-ordinated by the LPA.</p> <p>It would be useful if the guidance highlighted to developers the wealth of</p>		

environmental data and information available to them through our website (see 'What's in your backyard' at <http://www.environment-agency.gov.uk/homeandleisure/37793.aspx>). This can help them identify the issues that will need to be considered as part of the pre-planning discussions, for example flood risk. It can also help planning authorities identify the policies that will apply.

We have also produced a guide for developers which gives information and advice on the environmental issues that will need to be considered when planning a development project. This can also be downloaded from our website at <http://www.environment-agency.gov.uk/business/sectors/32695.aspx> .

Whilst developers should always approach the LPA first, they are able to discuss their pre-planning proposals with the Environment Agency direct. This service is currently free of charge.

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 type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>In general we agree with the principles but we would make the following specific comments:</p> <p>Paragraph 3.1.2, fourth bullet point: We agree that it is important to take a "proportional approach" to pre-planning discussions. However, we suggest that the "risk" posed by a development to people or the environment should be used as a determining factor as well as "scale and complexity". For example, a small residential development proposed in a high flood risk area may be small-scale but the consequence of not addressing the issue properly could be significant. Such a situation would justify more extensive pre-planning discussions, in order to establish whether the risks and consequences of flooding could be acceptably managed in line with Welsh Government policy.</p> <p>Recommendation: The fourth bullet point in paragraph 3.1.2 should be amended to read, "take a proportional approach to discussions based on the scale, complexity and risk to or from the proposal. Risks could include, for example, risks to human health or the environment".</p> <p>Paragraph 3.1.2, final bullet point: We support the idea that the LPA should take a co-ordinating role in pre-planning discussions (see response to Q1).</p>			

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 type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Paragraph 3.4.1: In order for a statement of service or protocol to be useful, it should give details of the supporting information required by consultees as well as the LPA. We have recently responded to a Welsh Government Consultation on the 1APP form (Standard Application Form). In our response we gave advice on the types of studies and information needed to address the issues that we may raise. We recommend that this advice be incorporated into the pre-app guidance as well. This could be done by referencing the 1APP form in paragraph 3.4.1.

Recommendation: The following sentence should be added to the first bullet point in paragraph 3.4.1: 'A link to the 1APP form', as this will give applicants guidance on the types of studies and information required to be submitted in support of a future planning application.

It would be useful for statements of service/ protocol to acknowledge that the scale/complexity/risk of development will affect the nature of the pre-application advice given.

Recommendation: Add the following text to the end of the first bullet point of Paragraph 3.4.1 "...information necessary. The scale, complexity or risk of a proposed development will affect the information required by the LPA."

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:

Paragraph 5.1: The degree of risk posed to or by a proposed development should help to determine the nature of pre-planning discussions. Please see our response to Q2 for further explanation.

Recommendation: The penultimate sentence in paragraph 3.5.1 should be amended to read, 'Discussions should be tailored to the specific development and different approaches should be taken depending on the scale, complexity and risk posed to, and from, a development.'

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:
General comment: We welcome the reference to engaging with statutory consultees, as set out in the second bullet point of paragraph 3.6.1. We also support statements made in paragraph 3.6.2 about the benefits that working in parallel with environmental consenting regimes can bring.

In more detail:
Paragraph 3.6.1, second bullet, consultees - As the guidance will be used by developers and other stakeholders, it would be useful if more detail was included about who the statutory and non-statutory bodies are, supported by a link to the organisation website. As outlined in our response to Q1, the 'What's in your backyard' facility on our website gives developers access to information which can highlight potential issues, such as flood risk, and therefore help inform any pre-planning discussions with the LPA.

Recommendation: include a list of statutory and key non-statutory consultees in Section 6 of the Guidance document, with links to where developers can obtain more information.

Paragraph 3.6.1, second bullet, consultees: To enable consultees, such as ourselves, to advise the LPA on relevant issues and on whether any further studies are required, we need to be engaged early in the process. The second bullet of Paragraph 3.6.1 should be amended to reflect this.

Recommendation: The following sentence would enhance the second bullet point of paragraph 3.6.1, 'LPAs should be engaged at the earliest opportunity to ensure that all of the issues and opportunities are highlighted and addressed'.

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 type="checkbox"/>

Comments:
Should this proposal go forward, then it may be useful to set out the circumstances under which consultation would take place. For example, where an LPA has an adopted, up-to-date Local Development Plan in place, then where the proposal was in line with the Plan, Member involvement may not be needed. Where an LPA does not have an adopted, up to date development plan in place and the proposal, due to scale, complexity or risk is likely to be sensitive, then the planning officer may wish to seek their views. Clearly the LPA would need to ensure that pre-planning discussions which involved Members was not be misinterpreted as pre-determining the application.

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:

We have the following comments to make:

Paragraph 4.4.1 Multi-disciplinary teams: We welcome this approach, but suggest that the reference to 'interested parties' is defined, so that it is clear statutory and non-statutory consultees can be involved as appropriate at this stage.

Recommendation: The text should define "interested parties" to ensure statutory and non statutory consultees are involved in multi-disciplinary teams where appropriate.

We recently responded to the Welsh Government consultation, 'Introducing Standard Information Requirements for Planning Applications in Wales' (1APP - 5 August - 12 November 2010). In our response to that consultation we gave advice on the information we consider needs to be included to make a planning application valid. We recommend that this information is used as the basis for agreeing validation requirements with developers. Where this is not used, then the requirements should be agreed with the consultees, where their involvement will be required at the planning application stage, for example, the need for and scope of a flood consequences assessment.

Recommendation: The following sentences should be added to the end of paragraph 4.5.1: "Seek advice from consultees on what studies or information should be sought from the applicant to accompany the planning application. The 1APP form gives a starting point for this, but LPAs should contact their local Environment Agency Planning Liaison team for site-specific advice and on the acceptability of any studies submitted." (This is because the submission of a study (for example, a Flood Consequences Assessment), does not necessarily mean that the study is complete or that it demonstrates that risks can be acceptably managed).

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 checked="" type="checkbox"/>

Comments:

We consider that the checklists set out in Section 5 need to be more detailed with regards to the role of consultees:

Paragraph 5.2, 8th bullet point: There appears to be contradiction between the

8th bullet point suggesting developers should contact consultees early and Paragraph 3.1.2 which states that the LPAs should, "take on a coordinating/ brokering role in discussions incorporating the involvement of relevant stakeholders and local communities". As stated in our response to Q2, we would support LPAs taking on a co-ordinating role in pre-application discussions. Therefore we recommend that this bullet is deleted.

In addition, we recommend that the following bullet points are added to the list of what LPAs can do as set out in Paragraph 5.3:

- where required, LPAs should seek the advice of external consultees, such as Environment Agency Wales, at an early stage.**
- make developers aware that consultees may ask for the submission of reports and studies to support an application and that this may involve a financial cost.**

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 the following examples of pre-application discussions that we have been involved with:</p> <p>1. Proposed road improvements A477 Red Roses to St Clears road: Broad based project group involving: LPAs; EAW; CCW; Welsh Government; Consultants. This developed into smaller specialist groups; Environmental; Transport etc. Tools used involved: Regular meetings; Updates; Draft plans/schemes for comment. This was a large scale project. One of the outcomes of our pre-application discussions was that we resolved flood risk issues with the developer prior to the Public Inquiry on the development. This meant that we did not have to attend the Inquiry, as previously thought, saving time for the applicant, the Planning Inspector and ourselves.</p> <p>2. Proposed Brechfa Windfarm. Project Team used involving: LPA; Developer; EAW; CCW; DCWW. Tools used included meetings and dialogue. Outcome: Environment Agency and the developer have been able to discuss issues around hydrology and surface water drainage at the pre-planning stage. The developer is now aware of what information they need to submit in support of their application.</p> <p>3. Redevelopment of Llanwern Steelworks, Newport Pre-application discussions held between LPA, developer and Environment Agency on this large-scale regeneration project. Issues discussed included flood risk, drainage, biodiversity and land contamination. Outcome: the masterplan for the development included a SuDS scheme, which</p>			

will help manage surface water flooding and will provide habitats for wildlife, ensuring a better quality of development.

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:

We recommend that Section 6 be expanded to include the following:

- A link to the Welsh Government's Development Advice Maps.
- A link to the Environment Agency's 'What's in your backyard' website, which includes GIS details of environmental constraints and designations. It is available from the following link: <http://www.environment-agency.gov.uk/homeandleisure/37793.aspx>
- A link to The Environment Agency's 'Guide for Developers', which gives information and advice on the environmental issues that we consider should be addressed when planning a development project. The Guide is available from the following link: <http://www.environment-agency.gov.uk/business/sectors/32695.aspx>
- A link which directs applicants to the resultant 1APP Standard Application form (validation requirements).

Additional comments:

There is no mention in the document of the forthcoming sustainable drainage approval bodies. Although full details are yet to be announced, it may be useful to highlight that future changes are likely.

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	Helen Edwards	
Organisation	British Waterways	
Address	The Kiln, Mather Road, Newark, Nottinghamshire. NG24 1FB	
E-mail address	helen.edwards@britishwaterways.co.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 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:			

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:			

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>British Waterways could aid the efficiency of the Development Management System, if as Statutory Consultee we were engaged in more pre-applications discussions by LPAs/developers. Only 4.8% of all consultations received by BW were pre-application requests for advice from LPAs and or developers, including EIA Scoping reports. This is a major concern for BW. There may be issues which could be resolved/mitigated at the pre-application stage which could help speed up the development management process and give greater certainty to the applicant. It is very important for Local Authorities and developers to recognise early in process that new waterside developments can place extra liabilities and burdens upon British Waterways and ultimately the public purse. Statutory consultees should be given the opportunity to raise any fundamental concerns, substantive issues and material considerations at the outset so the applicant is made fully aware of issues, challenges, opportunities and risks.</p> <p>This guidance document provides a great opportunity to help address this issue. Is it possible to include practice advice / an obligation for prospective developers to consult statutory consultees before submitting planning applications for certain developments too? Compulsory pre-application consultation for developments above certain thresholds is critical to improving statutory consultee performance in terms of speeding up the process.</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	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

	members could be further involved at the pre-application stage? (See Section 2, paragraph 3.6.1)		
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 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: It is suggested that this section could include a section on what Statutory Consultees could do.			

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is suggested that guidance produced by or in conjunction with Statutory Consultees could be referenced as other sources of information and advice in section 6.2. For example in respect of British Waterways, Appendix 2 of the Town and Country Planning Associations Policy Advice Note 'Inland Waterways' sets out a Development Management and Control Checklist for Waterside Development. This can be found as http://www.tcpa.org.uk/data/files/InlandWaterways.pdf In addition British			

Waterways is shortly to publish a Welsh version of a document titled 'British Waterways and Development Management', which seeks to highlight a number of matters relevant to British Waterways as a consultee in the development management process.

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	Carole-Anne Davies	
Organisation	Design Commission for Wales	
Address	4 th Floor, Building Two, Caspian Point, Cardiff Bay Cardiff CF10 4DQ	
E-mail address	cad@dcfw.org	
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: We would encourage ALL LPAs to provide consistently structured and properly documented pre-application discussions with clear policy and procedures in place, to frame discussion.			

		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"/>
<p>Comments:</p> <p>A commitment to impartiality, timeliness and confidentiality should be fundamental assumptions alongside other service details, including the status of discussions/comment in relation to the forthcoming application and proper documentation/records. Website and other online/electronic tools are useful but the best use of resources is through rounded face to face discussion.</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>We would also emphasise the importance of direct discussion with/access to relevant officers with the right status, skills and experience. The service should be consistent in its approach and in relation to scale and/or significance of the proposals. A small scheme may be more significant than its size or scale suggests. DCfW uses similar such criteria in assessing schemes coming through its Design Review service.</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>Include Design Commission for Wales as an early consultee to secure added value, better inform pre-application discussion and to concur with Planning Policy Wales TAN12.</p> <p>Where the LPA is also the client and/or land owner, structured, consistent and well-documented pre-application discussions should be mandatory.</p> <p>At pre-application stage the consultation process with third parties should be led by the applicant and not the LPA, and the applicant should be able to demonstrate their consultation process. The LPA should however clearly articulate their expectations as to who/what agencies/bodies should be consulted.</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"/>
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: In relation to 4.4.1 larger schemes may require multi-disciplinary teams, which should include highways professionals and these would also benefit from referral to the DCfW Design Review service, and access to its multi-disciplinary independent panel. LPAs could provide DCfW links, contact details etc via their own websites and through pre-application discussion information material/statement of services.			

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: Sufficient resources must be available in order to ensure comprehensive and consistent provision. In 5.2 paragraph 3, they should promote the sustainability of the proposal alongside its economic and social value; Paragraph 7 Seek early DCfW Design Review; 5.3 Paragraph 1 - Ensure availability and continuity of officers as an aid to better discussion and efficient use of resources.			

Q9	Please provide details of case studies that illustrate current pre-application discussion practice.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We have provided two case studies here illustrating how DCfW Design Review, can be constructive and can inform pre-application discussion and the resolution of significant issues, prior to formal submission of a planning application. It has been necessary to anonymise the schemes and parties involved.			
Case Study 1			

Proposal for a new hotel and self-catering holiday accommodation was presented at DCfW Design Review in December 2010, giving rise to major concerns. The scheme returned to Design Review in March 2011 with a new architect and a revised design, resulting in a strong rationale for the proposed development. The Commission's comment on the importance of landscape treatment was recognised and DCfW's recommendation for a reduced parking ratio was followed (reduced from 2:1 to 1.5:1). Following the final Review the following comments were received.

From the architect:

'Thank you for getting this report to us so quickly and please pass on our thanks to the panel members for being so constructive and helpful. We will see you in future no doubt.'

From the developer:

'We have taken all your comments and the council's on board and believe we have met as many as possible, whilst still attaining a development that is viable to operate. At my last meeting with the LPA they agreed that we had reached a point in the layout and design that they would be happy to support, so a massive step forward and one I hope will help us to attain the consent.

Thank you and the team for your input - it really has helped so far.'

Case Study 2

A proposal for new education/leisure facility was presented at Design Review in April 2008, prompting suggestions for minor revisions. DCfW was asked to comment on revised proposals in June 2008 and we commended the design team for their detailed response to our earlier observations. We thought the scheme now had the potential to be exemplary. The Commission noted in particular the improvements to the public realm design, and the commitment to BREEAM Excellent. Following the Design Review and our later response, the following comments were received. From the architect: 'We cannot overstate the value of our consultation with you at the beginning of this process.'

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:			

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Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Imogen Sherriff	
Organisation	Cynnal Cymru - Sustain Wales	
Address	Ground Floor Cambrian Buildings Mount Stuart Square Cardiff Bay Cardiff CF10 5FL T: 02920 19 20 21	
E-mail address	imogen@cynnalcymru.com	
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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Due to the long timescales involved in the preparation and ultimate adoption of development plans - together with their inability to respond quickly to changing national / international circumstances, national (planning) policy must have the potential to play a much greater role in the consideration of all planning		

applications.

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: Because sustainable development is a new and emerging field it is essential that pre-application advice for small and larger developments informs developers of emerging as well as existing case studies / technologies / best practise. This is particularly relevant given that the built environment is a major contributor to GHG emissions and consumer of resources. A large number of small developments could cumulatively have greater impact on progress in Wales to One Planet Living than a fewer number of larger developments. It is therefore essential that all development is subject to the same standards of pre-application advice so that LPA's learn from emerging best practice whatever the scale of development concerned.			

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 type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Contrary to the way in which question 6 is worded, paragraph 3.6.1 does not suggest increasing the involvement of local authority members and instead recognises the importance of their role in pre-application discussions. Whilst developers routinely involve local authority members in the pre-application stage as a matter of political expediency, the frequency of local authority (as well as national UK and Welsh Government) elections increases the risk to developers of their pre-application discussions become subject to electioneering and hence introducing delays, costs and confusion to the planning process. Proposals to increase local authority member input even further therefore risks compromising the clarity that such involvement currently secures.

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 checked="" type="checkbox"/>

Comments:

There is a need for pre-application processes and tools to facilitate the progress of Wales towards the Welsh Government's stated aspiration of delivering a One Planet country in Wales. Cynnal Cymru - Sustain Wales therefore strongly urges the Welsh Government to require that developers provide a review at pre-application discussion stage of their project's proposed performance against the principal criteria of One Planet Living - briefly outlined below:

Zero Carbon - eg to include energy efficient design; renewable energy and the ability of the development to adapt to climate change induced adverse weather as well as changing user requirements. To include future proofing of energy supply against predicted adverse weather events arising as a result of unavoidable climate change (eg designing energy infrastructure to withstand extreme weather)

Zero Waste - eg to include cradle-to cradle design concepts and design life considerations together with 'end of life' reuse and recycling of construction materials as well as 'in-use' considerations of waste arising from the development's operational use. To design out indirect as well as direct pollution.

Sustainable Transport - eg how the development will contribute to a net local reduction in vehicular movements; its ability to secure the implementation and enhancement of existing Green Travel plans in the locality; how its own accessibility will be affected by future peak weather events eg floods storms as well as resilience to the impact of peak oil etc.

Sustainable Materials - eg the developer's rationale for use of the chosen materials given the context of the need to reduce Wales' consumption of world resources to secure One Planet Living and to adapt to and mitigate future climate change; embodied energy and end of life considerations; off-gassing; ability to withstand and adapt to future climate change induced weather events

etc.

Sustainable Water:- eg how the development captures, harvests, cleanses and re-uses water; how it cleans and reduces effluent arising from the development; its net impact on water resources / run off and ability to act as an interceptor during peak storm events and to be resilient during drought conditions

Local and sustainable food:- eg the net contribution to food resilience of the development in its locality - taking into account inter alia the food production potential of the land it is situated on as well as its (potential or actual) contribution (eg via productive landscaping) to local food supplies; how the development will facilitate the storage of food without recourse to refrigeration (eg use of cool larders)

Natural Habitats and Wildlife:- eg how the development protects and enhances natural and existing wildlife and ecological habitats; how it helps future proof local habitats and ecological systems against future adverse climate change induced weather events and how it takes into account planning for the migration of desirable (or potentially harmful) species

Culture and Heritage:- eg how local and national cultural heritage attributes have influenced the proposed development including the consolidation of regional distinctiveness.

Equity; fairtrade and local economy; - eg how the proposed development will ensure the avoidance of unethical sourcing of materials; secure responsible sourcing and ensure optimum potential for training and spin-out benefits to the local economy as a result of EC compliant tender clauses which facilitate local supply chain development

Health and Happiness :- eg how the development will encourage a healthier lifestyle for those using it; how the design of the building has been assessed to optimise the mental and physical wellbeing of its users and the evidence base considered in these deliberations including pre/post occupancy questionnaires.

The review should ask open questions to facilitate engagement and understanding of the thought processes underlying these aspects of the proposed development. Adoption of this framework will also enable the developer to demonstrate intended compliance with emerging legislation relating to carbon reduction, building standards and One Planet Living criteria without involving the LPA in additional work.

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

authorities can take to improve pre-application discussions? (See Section 2, paragraph 5.1.1)		
<p>Comments:</p> <p>There needs to be clear transparency of the Local Authority's requirements for the development to demonstrate its One Planet sustainability credentials - irrespective of whether it is located in a rural or urban environment(see response to Q 7 for detailed breakdown of the 10 principals of One Planet Living against which all developments should be appraised if Wales is to succeed in delivering a One Planet economy and country)</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>http://www.oneplanetcommunities.org/communities/ The above site provides numerous international examples of the approaches required in order to facilitate the move to a sustainable One Planet country and the steps being taken by developments in the UK (One Brighton); Europe and USA to achieve this.</p> <p>see also http://www.lammas.org.uk/lowimpact/documents/OnePlanetDevelopment.pdf</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>There is a need for 'top down' clarity as to the minimum standards required in order for all developments to meet the sustainability and One Wales: One Planet agenda. At the moment the word 'sustainability' is increasingly being used to mean 'long term economic viability' and this is particularly true in development. Historically, the planning process was constructed to direct economic activity and residential development rather than to ensure that the totality of human development provided a sustainable future. Therefore Cynnal Cymru - Sustain Wales welcomes this consultation which provides the opportunity for the Welsh Government to ensure that the planning system is used to deliver One Planet living in Wales.</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	Karen Maddock-Jones	
Organisation	Countryside Council for Wales	
Address		
E-mail address	km.jones@ccw.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: The countryside Council for Wales (CCW) agrees 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	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: CCW agree with most of the principles identified, but have a number of comments as follows: 3.1.2 Bullet point 4. We agree that there should be a proportional approach to discussions, however it is important to remember that impacts do not relate simply to the scale and complexity of a proposal, and that sometimes an		

inappropriately sited small proposal can have significant impacts. This is particularly the case where proposals are located in or near sensitive landscape areas, such as National Parks and Areas of Outstanding Natural Beauty, or sensitive ecological sites. We suggest that the guidance should therefore be amended to reflect the point that impacts do not necessarily relate to scale.

3.2.2 As well as ensuring local authority officers are suitably experienced to provide advice, similar requirements / guidance should also apply to statutory consultees and other bodies that provide pre application advice.

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>CCW broadly agree with the provisions set out for pre- application statements of service. However, as well as placing the onus on the LPA, to enable meaningful discussions, developers should also be strongly encouraged to commit to the level of information they will provide and the timescales which will be available to review this. For example, where draft chapters of environmental statements / method statements / habitat action plans are submitted for comment, realistic timescales should be allowed for review of this information. Information should be provided with sufficient time for review before any meetings or discussions are undertaken. We also advise that where consultee advice is not taken or deviated from, clear justification should be provided with the application to state why that is the case.</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>See response to Q2 above. CCW agrees that there should be a proportional approach to advice and discussions, however it is important to remember that impacts do not relate simply to the scale and complexity of a proposal, and that sometimes an inappropriately sited small proposal can have significant impacts. Text should be amended to reflect the point that impacts do not necessarily relate to scale.</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>CCW agrees with the approach to involving others in pre application discussions, and particularly welcomes the recognition that it is important that sufficient information is available to ensure a meaningful response from a consultee. However, it is also important to recognise the resource implications this can have for consultees, particularly when advice is not always taken on board, and the same comments are raised on more than one occasion at pre-application meetings or when commenting on iterations of a draft environmental statement.</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 type="checkbox"/>
<p>Comments:</p> <p>No comment.</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>CCW welcomes the tools and processes for pre- application discussions set out in the consultation document.</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 type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>As well as identifying the economic benefits of a scheme, if a proposal is to be sustainable, the environmental and social impacts should also be identified. Where negative impacts are proposed to be minimised, applicants should be required to identify what is being done to mitigate those impacts, and where appropriate compensate for them. This is particularly the case where a proposal will result in biodiversity losses.</p>			

The economic value of a development should not usually be a justifiable reason for biodiversity loss or developments that undermine the delivery of sustainable development.

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 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	Stefan Preuss	
Organisation	National Grid	
Address	National Grid House Warwick Technology Park Gallows Hill Warwick, CV34 6DA, UK	
E-mail address	stefan.preuss@uk.ngrid.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>National Grid welcomes the opportunity to comment on the draft guidance. We support the principle of pre-application discussion which in our view can be beneficial to all involved and should ultimately ensure better and more timely decision making. We always seek to engage with local authorities, communities and stakeholders at an early stage and we support much of what is in the draft guidance.</p> <p>Local authorities play a crucial role in facilitating development and growth in their local areas and appropriate pre-application discussion should be seen as an important tool to achieve this. In performing this function, local authorities should give timely, clear and consistent advice that assists applicants in preparing their applications and that ultimately enables local councils to make decisions in a sound and timely manner.</p> <p>Whilst the principle of pre-application discussion is supported, any requirements need to be proportionate to the nature, scale and complexity of a proposal, as not every scheme will require the same level and type of engagement. This</p>			

should be explained in and reflected throughout the guidance document.

We support the statement that pre-application discussions rely on a constructive approach from both developers and local planning authorities. Authorities should enter such discussions with an open mind and the emphasis should be on finding solutions to enable appropriate schemes to go ahead. Authorities should not use such discussions to seek unreasonable changes or requirements that would render schemes unviable. Where authorities seek changes to proposals, these must be clear and well justified on the basis of national and local policy.

In our experience, some local planning authorities are unable or unwilling to enter into pre-application discussions as they are concerned about being seen to predetermine or show a preference for any part of a scheme. This is a major issue of concern as it can delay projects and also means that schemes do not benefit from the local expertise held by authorities.

It is therefore important that the guidance sends a clear message that local authorities should not refuse to hold pre-applications discussions but that they should take a positive, pro-active approach to such engagement.

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 <input checked="checked" type="checkbox"/>	No <input type="checkbox"/>
<p>Comments:</p> <p>National Grid broadly supports the principles in this section. It is important that there is a clear process for pre-application discussion which is proportionate to the scale, nature and complexity of a proposal.</p> <p>We strongly support the principle that advice provided by local authorities should be clear, correct, complete and not misleading. It is important that the advice provided is consistent and that there should be no unjustified change in the advice. We agree that, where advice does change, clear and justified reasons for this should be given to the applicant.</p> <p>We also agree that any advice should identify relevant plans and policies, with reference being made to relevant national planning policy and other material considerations where appropriate.</p> <p>It is crucial that any expectations placed on developers by local authorities recognise the ability of developers to meet such requirements, including in respect of viability and deliverability.</p> <p>Whilst processes need to be clear, there should also be scope for informal discussion with confidentiality being ensured, e.g. when there are commercially sensitive issues at an early stage of the development of a scheme.</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"/>

Comments:

National Grid supports the principle of a statement of service which should be based on the principles set out in Section 2 of the guidance, including our comments in relation to Question 2.

We agree with the principle that records of discussions should generally be kept. However, it should be recognised that on certain occasions there are benefits in being able to have informal discussion (e.g. when commercially sensitive issues are concerned) which should not be recorded formally.

We agree that, where applicable, pre-application records should be linked to the application to ensure continuity and a complete understanding of a proposal and the advice received from an authority.

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:

National Grid strongly believes that local planning authorities should ensure they take a proportionate approach to pre-application discussion and that any requirements on applications reflect the nature, scale and complexity of a proposal. This should also be reflected in the amount of information that applicants are expected to provide at the pre-application stage.

Q5	Do you agree with the approach to involving others in pre-application discussions? If not what amendments would you suggest? (See Section 2, paragraphs 3.6.1 – 3.6.3)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

We agree that opportunities for community engagement and its scale and nature should be identified and agreed with the applicant. We also agree that, when opportunities are identified, local planning authorities should support community involvement by developers.

However, whether involvement is appropriate or not and the extent of such involvement will depend on the nature, scale and complexity of a proposal.

We support the involvement of statutory consultees where this is appropriate and beneficial to the progression of a proposal. To this end, local planning authorities should work in parallel with other environmental consenting regimes.

Where there are projects which span more than one local planning authority area, experience has demonstrated that there can be efficiency savings, consistency and project co-ordination benefits where LPAs and statutory consultees work collaboratively together to nominate the most appropriate specialist(s) to represent the collective views of the consultee group. The guidance could usefully encourage such a pragmatic collaborative approach between consultees where there are trans-boundary projects between authorities.

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 type="checkbox"/>
<p>Comments: The involvement of local authority members can be helpful to raise awareness, explain schemes and overcome preconceptions. However, it will depend on the nature of the discussion and in certain instances it may be more appropriate to have informal, technical discussion at officer level, e.g. when discussing proposals that may be politically sensitive at an early stage.</p> <p>Where there are potential project options which lie within different local planning authority areas, particularly in the case of linear projects, but also in the case of options for site specific infrastructure proposals, the involvement of members early in pre-application consultations can lead to political campaigning against options which would be sited in their area.</p> <p>If there were to be increased involvement of members in pre-application consultation discussions, the guidance should emphasise that authorities must remember that the purpose of pre-application consultations is to provide professional advice in respect of potential project proposals in line with their statutory role as a local planning authority and should be limited to that.</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: The practical advice in the draft guidance is generally useful. However, the use of tools such as development briefs or design and access statements needs to be</p>			

proportionate and may not be appropriate in all circumstances, e.g. for smaller/simple schemes. The time and cost involved in preparing such documents should be taken into account in order to avoid that it does not unnecessarily delay schemes or render them unviable.

We agree that pre-application discussions can be used to agree validation requirements which can help address the current delays that occur due to invalid planning applications. However, the information required by authorities should be proportionate considering the nature, scale and complexity of a proposal.

We agree that standard templates and model agreements can be useful tools that assist pre-application discussions and indeed the application process as a whole.

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 <input checked="checked" type="checkbox"/>	No <input type="checkbox"/>
<p>Comments:</p> <p>The checklist for what applicants can do prior to submitting a planning application seems reasonable and this generally reflects what National Grid aims to do. However, there needs to be recognition that what applicants can do should be proportionate to the nature, scale and complexity of a proposal.</p> <p>The checklist for what local authorities can do is generally welcomed and supported and should be expected as good practice. It could usefully be added that local planning authorities should adopt a positive approach that seeks to find solutions to enable schemes to go ahead and that they should provide information and advice in a timely fashion.</p> <p>In our experience, some local planning authorities are unable or unwilling to enter into pre-application discussions as they are concerned about being seen to predetermine or show a preference for any part of a scheme. This is a major issue of concern as it can delay projects and also means that schemes do not benefit from the local expertise held by authorities.</p> <p>It is therefore important that the guidance sends a clear message that local authorities should not refuse to hold pre-applications discussions but that they should take a positive, pro-active approach to such engagement. It is recognised that pre-application advice is given without prejudice to a future decision of a local planning authority and authorities should make clear to developers and local councillors that any advice given cannot pre-empt the decision of the local planning authority.</p>			

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

Comments:

National Grid can draw on experience from a number of projects and we would like to take this opportunity to highlight some key issues and learning points from this which could usefully be reflected in the guidance document:

- 1) Pre-application requirements need to be proportionate to the nature, scale and complexity of a proposal, as not every scheme will require the same level and type of engagement.
- 2) Authorities must enter such discussions with an open mind and the emphasis should be on finding solutions to enable appropriate schemes to go ahead.
- 3) Some local planning authorities are unable or unwilling to enter into pre-application discussions as they are concerned about being seen to predetermine or show a preference for any part of a scheme. This is a major issue of concern.
- 4) There must be scope for informal discussion with confidentiality being ensured, e.g. when there are commercially sensitive issues at an early stage of the development of a scheme.
- 5) Where there are projects which span more than one local planning authority area, LPAs and statutory consultees should work collaboratively together to nominate the most appropriate specialist(s) to represent the collective views of the consultee group.
- 6) In certain instances it may be more appropriate to have informal, technical discussion at officer level, e.g. when discussing proposals that may be politically sensitive at an early stage. If there were to be increased involvement of members in pre-application consultation discussions, the guidance should emphasise that authorities must remember that the purpose of pre-application consultations is to provide professional advice in respect of potential project proposals in line with their statutory role as a local planning authority and should be limited to that.

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 type="checkbox"/>
--

Groves, Alan (ESH - Planning)

From: Bangor City Council [council@bangorcc.plus.com]
Sent: 28 September 2011 14:58
To: planconsultations-d
Subject: Consultation Response - Draft Practice guidance: Realising the potential of pre-application discussions - Response by Bangor City Council

Sir


The following is the response by Bangor City Council to the Consultation Document:

The City Council is very supportive of the document and its suggestions. However, it is strongly of the opinion that the Local Community/Town /City Council, which is a body elected by local people and is mandated to represent the interests of local communities, should be involved in pre-application discussions and community engagement in local development proposals. Local authority members at every level – Unitary Authority and Town/ Community Council and also the Local Community/Town /City Council itself – should be given equal status in pre-application discussions and information provision.

The City Council was very concerned that the Welsh Government had not formally consulted Local Community, Town and City Councils on the issue. It felt that to not even acknowledge the existence of the lowest tier of democracy in the planning system in Wales showed an alarming ignorance of Local Councils' interests in the developments that are planned for their local area and also showed a lack of respect for their opinion on such an important matter.

I trust that you will convey these comments to the Minister responsible for Planning issues in Wales.

Sincerely


Clerc y Dref / Town Clerk
Cyngor Dinas Bangor / City of Bangor Council
e-bost / e-mail: council@bangorcc.plus.com
Tel: 01248 352 421
Fax: 01248 371 090

28/05/2012

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	City & County of Swansea	
Organisation	Local Authority	
Address	Civic Centre, Oystermouth Road Swansea SA1 3SN	
E-mail address	john.lock@swansea.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 Council's experience in not having a pre-application service and now having a full service is that the absence of one is a source of frustration to developers, whilst the provision of one has given rise to a high level of customer satisfaction, an increase in approvals, a reduction in over turns at appeal, and an improvement in development outcomes.		

	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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Reservations are held over the brokering role for the LPA in pre-app discussions. The commercial sensitivity of discussions and the loss of objectivity in the eyes of a community would compromise the later decision making process.		

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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: No 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: No 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"/>
Comments: Whilst the Authority has reservations over this approach generally, and particularly has concerns over the pre-application role assigned to elected members, the Council will review procedures to facilitate appropriate member engagement with developers at the pre-application stage.			

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 response to Q5			

Q7	Do you agree with the practice advice given on processes	Yes	No
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	and tools for pre-application discussions? If not what amendments would you suggest? (See Section 2, paragraph 4.1.1 – 4.6.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: No 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: No 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: Details of the service provided are attached, as is the results of a users survey.			

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"/>
--

Groves, Alan (ESH - Planning)

From: Owen Gwenno Mai (Rh-CTGC) [GwennoMaiOwen@gwynedd.gov.uk]

Sent: 28 September 2011 15:16

To: Griffiths, Matthew (ESH - Planning); planconsultations-d

Subject: Gwynedd Council's Response: WG12667 - Consultation on draft practice guidance: Realising the potential of pre-application discussions

Annwyl Syr/Fadam

Gweler isod, ymateb Cyngor Gwynedd i'r Ymgynghoriad ar Canllaw Arfer Drafft: Gwireddu potensial trafodaethau cyn ymgeisio.

1. Cytuno
2. Cytuno
3. Yn cael ei wneud yn barod gan Gwynedd
4. Cytuno
5. Mae'r drefn ymgynghori bresennol yng Ngwynedd yn defnyddio adnoddau staff sylweddol a byddai'n annhebygol y gellir ymestyn ymgynghoriad i gynnwys Cyngorau Cymuned a Thref o fewn yr adnoddau staff presennol ac mae pryder hefyd ynglŷn â ydyw ymgynghoriadau datblygwyr i'w cadw yn gyfrinachol ac nid i'w datgelu i'r cyhoedd hyd y bydd y datblygwr wedi gwneud hyn neu wedi cyflwyno cais.
6. Mae'r Cyngor yn cynnwys Aelodau mewn rhai ymgynghoriadau cynhennus neu fawr ond ni ystyrir bod angen trefn i orfod hysbysu Aelodau o bob ymholiad a dylid gadael hyn i ddoethineb y swyddogion.
7. Cytuno
8. Cytuno
9. Mae gan Cyngor Gwynedd ganllawiau a rhestr gwirio ynglŷn ag ymgynghori ynghyd â'r gofynion o agwedd cyflwyniad gan ddatblygwyr sydd yn weithredol ers 14 Ebrill 2011 yn dilyn Trawsnewid y Gwasanaeth ac amgaeir linc ar gyfer copi er gwybodaeth

[http://www.gwynedd.gov.uk/upload/public/attachments/1082/Gwynedd Council Pre App Guidance 2010 Cymraeg.p](http://www.gwynedd.gov.uk/upload/public/attachments/1082/Gwynedd_Council_Pre_App_Guidance_2010_Cymraeg.p)

Mae'r Cyngor hefyd wedi cytuno ar drefn codi ffioedd am rai mathau o ymgynghoriadau ar gyfer 2012/13 ac amgaeir copi yn y linc isod

http://www.gwynedd.gov.uk/ADNPwyllgorau/2011/Bwrdd%20y%20Cyngor/2011-06-14/cymraeg/05_02_Atodiad%201.pdf

10. Dim byd ychwanegol.

Yn gywir

Aled Davies

Aled Davies

Pennaeth Adran Rheoleiddio
(Cynllunio, Trafnidiaeth & Gwarchod y Cyhoedd)
Head of Regulatory Department
(Planning, Transportation & Public Protection)

28/05/2012

Dear Sir/Madam

Please see below Gwynedd Council's response to the Consultation on the Draft Practice Guidance: Realising the potential of pre-application discussions.

1. Agree
2. Agree
3. Already being done by Gwynedd
4. Agree
5. The current consultation procedure in Gwynedd uses substantial staff resource. It is unlikely that a consultation could be extended to include Community and Town Councils with the current staff resource, and there is also concern regarding whether developers' consultations should be kept confidential and not revealed to the public until after the developer has done this or submitted an application.
6. The Council involves Members in some controversial or large consultations but it is not considered necessary to inform Members of every enquiry and this should be left to the discretion of officials.
7. Agree
8. Agree
9. Gwynedd Council has guidelines and a checklist regarding consultation and the requirements in terms of a submission by developers which have been in operation since 14 April 2011 following the transformation of the service. A copy is available for your information via the link below:

[http://www.gwynedd.gov.uk/upload/public/attachments/1082/Gwynedd Council Pre App Guidance 2010.pdf](http://www.gwynedd.gov.uk/upload/public/attachments/1082/Gwynedd_Council_Pre_App_Guidance_2010.pdf)

The Council has also agreed on a procedure to charge for certain kinds of consultations for 2012/13 and a copy is available via the link below:

http://www.google.co.uk/url?q=http://www.gwynedd.gov.uk/ADNPwyllgorau/2011/Bwrdd%2520y%2520Cyngor/2011-06-14/english/05_02_Appendix%25201.pdf

10. Nothing to add.

Yours sincerely
Aled Davies

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Janet Sutherberry	
Organisation	Wrexham County Borough Council	
Address	Planning Department Lampit Street Offices Wrexham, LL11 1AY	
E-mail address	janet.sutherberry@wrexham.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"/>

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
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Applicant/developer(s) really must be prepared to be open-minded to the benefits of the process, and that they are prepared to produce realistic ideas for discussion. A constructive approach is essential.</p> <p>Many developers find it difficult to determine which policies might be applicable for a scheme, and therefore a two stage pre-enquiry process might be helpful. That is, Stage 1 could be used to define relevant planning policies for a proposal, and Stage 2 to consider the merits of their suggested scheme after consideration of the policies.</p> <p>There will always be a risk of discussions being undertaken in an ad-hoc way - as LPAs need to respond to a very wide range of developments, and characters. No standard template response will fit all.</p> <p>We have a introduced discretionary charging system for some types of applications to allow more informed responses. The charging system verifies what level of information they can expect to receive.</p>			

Recording responses to enquiry letters in relation to a map based system is essential in order to allow other officers to view response if an application is subsequently submitted.

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>We would aspire to a transparent pre-application process, which is inclusive and available to all members of the community - but it should acknowledge that this information may not always be immediately accessible to third parties.</p> <p>It is not always possible to maintain continuity of officers - as service demands may indicate that certain officers do not have spare capacity at the time a resulting application is submitted.</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>			

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>			

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 checked="" type="checkbox"/>
<p>Comments:</p> <p>We agree partly. It might be difficult to engage community councils at pre-</p>			

application stage as many Councils only have monthly meetings, and some do not have full-time officers, or the email capacity to allow suitable and timely involvement. A time delay to allow input for a response is not always possible for pre-application enquiries.

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 checked="" type="checkbox"/>

Comments:

Possibly agree with involvement, but would wish to express some caution.

WCBC planning staff generally have a good working relationship with most of its members, and they have not fully expressed a need to be involved with pre-application enquiries. Following a recent customer satisfaction survey, all our members were given the chance to rate the importance for having involvement with pre-applications on major development proposals. Out of 50 councillors, only 9 responded. Of that 9 only 6 responses rated the need as being a high priority. Two made it a moderate priority; and one raised a need for planning officer discussions with large developers to be more transparent. As a result we will consider whether this should be reviewed, to consider how they can become engaged for certain types of proposals.

For some schemes, our advice (written or informal) may suggest that pre-application consultation could be carried out with local people, including community councils or members - so that the developers can get a feel for any local issues. We have tended not to get too involved with those 3rd party discussions in order remain impartial to the points raised.

However certain key topic areas will sometimes arise for just certain ward areas eg issues relating to town centre parking and reduced parking requirements for student parking. Rather than invite members to pre-application discussions to just repeat their concerns, the planning department tries to deal with issues through the careful review of policies through workshops; and if relevant produce new or revised supplementary planning guidance.

We regularly feed back comments expressed by members at Committees to planning control officers, to allow greater understanding of sensitive issues, so that these can be relayed to developers - if applicable.

Some members may find it difficult to usefully contribute at formal pre-application meetings as they are also members of Planning Committee. Their responses may prejudice what they can say at committee.

Despite the Freedom of Information legislation, the need to maintain confidentiality for pre-application enquiries is likely to remain an issue for some

developers - especially if no formal paperwork is submitted. However planning staff will encourage developers to have independent informal discussions with residents, community councils, etc. when the time is 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? (See Section 2, paragraph 4.1.1 – 4.6.2)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Design and access statements (DAS) still tend to be an after thought for developers - perhaps only prepared after the scheme has been designed. As part of the guidance, perhaps it should be recommended that developers obtain a list of relevant policies from LPAs prior to their submission of applications, and it should be recommended that LPAs produce a list of relevant policies for any formal enquiries, and for LPAs to include a paragraph in their response to state that these policies need to be formally identified and considered as part of the DAS.</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>Perhaps one of the first items for developers' checklist - should be for developers to fully consider the guidance of TAN 12, for them to establish requirements for the DAS. This may encourage relevant policies to be highlighted at an early stage in the development process.</p> <p>Suggest that the wording 'Seek professional advice early in developing a proposal' is expanded - to read: Seek professional advice early in developing a proposal, and note this may include the need for advice from several professions, eg ecologist, tree expert, structural surveyor, planning consultant, architect, highway engineer consultant, etc.</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>Wrexham Council dealt with 871 planning enquiries in 2010.</p> <p>We have categorised our enquiries since late 2010 into 3 types - householder,</p>			

minor developments and major developments. Minor and major developments enquiries attract the submission of a descretionary fee before they are dealt with.

All enquiries are plotted on a GIS system, but these submissions and replies are not openly available for general public viewing.

Householder development enquiries receive either an email or letter response.

Minor and Major developments are given a more detailed written response, by using the following headings:

1. Policies - National and Development Plan policies are listed
2. Suggested Consultations with external bodies, including the relevant community council
3. Relevant planning history
4. Comments regarding the proposal
5. Infrastructure requirements, and suggested 'Heads of Terms' for legal obligations
6. Validation information - the need for further specialist reports
7. Contact information - names of contacts within various council departments
8. Final comments - that the comments are made without prejudice and are not binding upon any formal decision of the Council.

If the scheme is a major development, a Development Team approach meeting might be suggested or requested.

The enquiry charging system is subject to a 12 month review, and it is likely that we will ask members to support some changes to the scale of charges.

Any changes will be published to the web site.

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>Some applicants tend to use the planning application as a 'test' application for a particular scheme to find out all the relevant issues for the scheme - in order to save costs for their clients. Some tend to submit them without all the necessary professional reports (eg ecology or tree reports) because these are not mandatory requirements for certain types of planning applications. Sometimes this is ok because the reports are not necessary due to the site details, but sometimes these reports are required in order to make a decision. Normally those applications without the relevant information will be refused due to insufficient information, but sometimes applicants will withdraw them at last moment to remove a refusal against their name, or wait for the refusal with the</p>			

reasons why. If the developer discovers that the principle of development is generally ok, but just needs the input of various recommendations of the reports, they will re-submit their schemes as a 'free go'. If not they do not resubmit, and they have saved their clients the cost of reports.

Because of the lack of clarity over the need for various reports as part of validation, the planning department is having to repeat all the initial application checks and processes again, and this has a number of cost implications for LPAs, eg consultations with residents by letter, press notices, extra site visit to display site notice, etc. Whilst it is understandable that developers will want to save costs, this is not cost efficient for LPAs, and is surely not the intended purpose of the 'free-go' process.

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



· INSTITUTE · OF · HISTORIC ·
BUILDING · CONSERVATION

Making Heritage Work

WG12667-040

Planning Improvement Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

██████████
Consultant Consultations Co-ordinator
IHBC Business Office
Jubilee House
High Street
Tisbury
Wiltshire
SP3 6HA

28 September 2011

Tel (01584) 876141
Web site www.ihbc.org.uk
E-mail consultations@ihbc.org.uk

Dear Sirs

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

The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

Thank you for inviting us to participate in this consultation. The Institute is broadly supportive of the Guidance but we have a few detailed points we would like to put forward.

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)

A1 The Institute fully supports the principle and practice of pre-application discussions for the reasons that are clearly set out in the draft Guidance. However, we think that more could be made of their applicability to other consents under the Planning Acts. These are referred to in passing at paragraph 1.3.2 although this fails to make the point that many applications require more than one form of consent and that these are often the more complex ones best suited to pre-application advice and negotiation. We do not support the addition of the words "...and other consents..." or similar wherever planning applications are mentioned, but we feel paragraph 1.3.2 could be extended to reflect our comment with a bulleted list of all the common application types.

In fact, many applications involve matters within the range of expertise of historic environment and other environmental professionals and often the relationship between these interests and other planning issues is complex and requires carefully weighted judgement. The Guidance should make it clear that before any case is the subject of

pre-application advice there should be a scoping exercise (which need not be complex) sufficient to ensure that all the relevant professional expertise is available during the process.

Although paragraph 2.2.1 refers to "...reducing conflict..." as an objective, it does not specifically raise the benefit of early community involvement which is introduced later in the document. We think it could usefully be included here as well.

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

A2 We think that this section deals with the relevant issues quite well.

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)

A3 The draft Guidance skates around a problem that we think should be addressed more directly. This is that the more initial information the the LPA requires the greater becomes the Developer's investment in what may be an inappropriate proposal. For this reason we think that LPAs should be willing to discuss the proportionality of information requirements for pre-application discussions in scoping meetings held in advance of formal discussions. At such meetings matters of principle could be highlighted to steer developers away from potentially abortive detailed work.

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)

A4 The Guidance needs to avoid giving the impression that written Guidance could completely replace pre-application advice for certain development types. However detailed design guidance (for example) may be there will frequently be cases in which local circumstances are such that the Guidance doesn't provide a clear lead and LPA interpretation, or further advice, is needed. This is particularly true in cases where expert opinion (such as from a conservation officer) is also appropriate.

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)

A5 Paragraph 3.6.1 deals with community involvement which we support. There are several pitfalls involved with this which we think could benefit from expansion in the document, not least because developers need confidence that they will be treated fairly in the process. Two of the most common occurrences are:

- the public making undeliverable demands of the LPA (such as demanding refusal for a proposal in conformity with the Development Plan);
- community tactics deliberately designed to undermine the process (such as accusing the LPA and developer of conspiring to consult on a *fait accompli*).

We think that further advice (perhaps as an appendix) should make it clear the sorts of matters that are suited to community involvement at pre-application stage and the need for consultation to be clear about its scope and genuine about the capacity of the community to influence the result.

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)

A6 The Institute supports the involvement of local authority members in the pre-application process. All too often members of Planning Committees over-react to the genuine need to avoid forming a firm view of a proposal too early by refusing to engage in the process at all. This can lead to the LPA's decision being taken by the members of the Authority who are least informed about its complexities. The Guidance needs to be very clear (either within the text or by clear reference to an appendix or elsewhere) that, so long as decision-makers make it clear that they retain an open mind until the point of decision and are participating in discussions for their better understanding of the issues, their involvement is to be welcomed.

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)

A7 The practice advice on processes and tools covers all the relevant points but it divides the topics into those with explanations – development briefs, DAS, multidisciplinary teams and the agreement of application information – and those merely referred to in paragraph 4.6.2. It isn't clear why the tools have been treated in this way. Is the 4.6.2 list regarded as less recommendable or is it just that their principles are less frequently used in Wales?

We would be particularly keen for advice to advocate the involvement of historic environment professionals in Development Teams and other multi-disciplinary approaches for relevant cases.

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)

A8 The Institute thinks that this is an appropriate place to introduce the issue of specific professional competence. The the case of proposals involving the historic environment, for example, developers should seek appropriately qualified advice (paragraph 5.2 bullet 7) and LPAs should ensure they are advised similarly (paragraph 5.3 bullet 5).

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

A9 We have no case studies to offer.

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 *Constructive Talk*, the draft Guidance's English equivalent, was produced collaboratively with a range of stakeholders. We commend this approach as it gives developers confidence that the competence of the advice is widely accepted.

We hope our contribution is helpful.

Yours faithfully



Consultant Consultations Co-ordinator

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Stephen Hurr	
Organisation	Pembrokeshire County Council	
Address	County Hall Haverfordwest SA61 1 TP	
E-mail address	stephen.hurr@pembrokeshire.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 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The prospective developer should be responsible to collating the information required (following advice from the LPA about what is needed).		

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"/>
Comments: Developers should be responsible for presenting their proposed developemnt to the local community/stakeholders; and for shaping their application to take account of concerns raised. Some pre-apps are confidential for commercial reasons.			

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: It raises difficult probity issues which are probably best avoided			

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: In theory yes, but the quality of Design and Acess Statements varies and they are often produced at the end of the process rather than at the beginning.			

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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: So long as they are used as guidnnace and are not too prescriptive			

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 type="checkbox"/>
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	Karen Whitfield	
Organisation	Wales Environment Link This consultation response is supported by the following WEL members: Bat Conservation Trust, Butterfly Conservation Wales, Campaign for National Parks, Plantlife Cymru, RSPB Cymru, Ymddiriedolaeth Genedlaethol/National Trust	
Address	27 Pier Street, Aberystwyth, SW23 2LN	
E-mail address	karen@waleslink.org	
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 checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: We suggest that the final principle is extended to include a sign-posting role towards relevant stakeholders: in some instances and at some stages bilateral discussions between the prospective developer and the stakeholder may be highly productive while making minimal demands on the resources of the local planning authority.		

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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 type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>While we agree that this approach would be appropriate for most minor development, we suggest that there should be a more explicit recognition of the need for bespoke advice when minor developments are proposed in sensitive locations.</p> <p>WEL is of the view that the Welsh Government should employ quantifiable thresholds for the different broad development types when addressing the need for pre-application discussions, following the approach set out in para 36 et seq of Welsh Office Circular 11/99.</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>We agree with the general thrust of the approach but consider that the scope of involvement of statutory and non-statutory consultees is too narrowly described. A contribution already made on occasion by WEL members, which we believe is valued by developers and local planning authorities, is giving advice on the scope and timing of surveys. We also engage in identifying potential issues in relation to our areas of expertise and advise on how these issues can be addressed in the development proposals as well as in their assessment.</p>			

Q6	Do you agree on increasing the involvement of local	Yes	No
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	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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Members can play a useful role in facilitating discussions between applicants and the LPA. However, for reasons of probity, this needs to be carefully framed, in order to avoid Members overstepping their advocacy role in respect of a development proposal they wish to "champion".</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 checked="" type="checkbox"/>
<p>Comments:</p> <p>The section on agreeing application information should briefly cover requirements relating to the inclusive scoping of complex assessments, with input from relevant stakeholders. For example scoping Environmental Impact Assessments; scoping and viewpoint selection for landscape and visual impact assessment; and consideration of the assessments required in compliance with the requirements relating to protected species and protected sites.</p> <p>Pre-application discussions are particularly invaluable where there are, or are likely to be, European Protected Species issues, or where there are species or habitats to which there are obligations under section 42 of the NERC duty.</p> <p>Other forms of supplementary planning guidance and related documents also have a role in pre-application advice. Some local planning authorities have done good work on producing documents such as design guidance, sustainable construction guidance, landscape character assessments and conservation area assessments. Statutory and non-statutory consultees have also produced a wealth of advice relating to development.</p> <p>The following biodiversity toolkits will be useful: http://www.biodiversityplanningtoolkit.com/biodiversity.asp http://www.alge.org.uk/projects/files/drafttool.pdf</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 type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>			

The developers' checklist should also include considering the environmental sensitivities at and near their site that could be affected by the proposed development, including by researching publicly available sources of information.

The local planning authorities' checklist should include facilitating engagement with stakeholders.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			
<p>WEL feels it is not clear from the consultation document what the format of the final output is going to be. We feel it should be a detailed, step-by-step document, analogous to the “LA Toolkit on Renewable Energy”.</p> <p>It is not clear from the document whom the guide will be aimed at. Recommendation 12 does not specify LPAs as the sole recipients of advice. WEL therefore suggests that the document should be reframed to include an expression of what the Welsh Government expects of LPAs, developers and community groups, including NGOs. This could be enshrined in some form of a Compact, for example.</p> <p>WEL believes that the guidance should apply to screening and scoping as well as planning applications. In addition to this, pre-application negotiations should apply, not just to the project itself, but also to enhancement and community benefit.</p> <p>WEL is concerned that, as this is just a good practice guide, LPAs and developers have no obligation to follow it. We believe that there should be a strong requirement to follow this guidance.</p> <p>The fact that LPAs charge for the service is a strong disincentive to its use. WEL understands that this is a resource-hungry process, but if resources are saved later on, then we feel it would be better not to charge for the service. Alternatively, the charge could be applied after the grant of planning permission.</p>			

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Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Victoria Abraham	
Organisation	Vale of Glamorgan Council	
Address	Dock Office, Barry Docks, Barry, Vale of Glamorgan, CF63 4RT	
E-mail address	planning&transportation@valeofglamorgan.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-applications discussions are recognised by the Vale of Glamorgan Council and we have a long-established protocol for underatking pre-application discussions which is consistent with the approach advocated in the guidance. They will however, always be limited to an 'informal' opinion (without prejudice) and not have the statutory footing and consultation that an application has. Therefore, the extent to which they add clarity and certainty for developers will always be limited. In terms of transparency, this will usually be inhibited by commercial confidentiality.</p> <p>In the guidance, Paragraph 2.1.5 places the responsibility for successful pre-application procedure on the Local Planning Authority. There should be a recognition that it is a partnership approach with developers and therefore relies on cooperation and commitment from developers to respond to the pre-application advice in a positive way and to approach the LPA in a timely manner i.e. developers have a level of responsibility too. Why isn't the guidance targeted at developers too?</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 Council is generally in agreement with the principles. However, Paragraph 3.1.2 only places responsibility on LPAs to accept the principles and not developers, who in our view should also endorse the principles.</p> <p>The last principle expects LPAs to "take on a co-ordinating/brokering role in discussions incorporating the involvement of relevant stakeholders and local communities". This has a number of problems and is considered to be too onerous an expectation on LPAs to do for all pre-applications. Problems 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 - it places a significant 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. <p>Therefore, this principle should at least have "where appropriate" added.</p> <p>Para 3.2.3 - pre-application advice should also notify developers where policies, plans, SPGs etc., can be viewed i.e. Internet, Council offices etc.</p> <p>Para 3.3.1 again is only focussed on LPAs, not developers. It is often not in the LPA's power to ensure pre-ap discussions are undertaken "as early as possible" given that it is a reactive service that responds to requests for advice from developers.</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>The Council agrees that a statement of service should be provided, and the Vale of Glamorgan Council already has a pre-application protocol published on its web site.</p>			

The guidance should indicate that in some cases it may be necessary to undertake a site visit before giving pre-application advice. However, it should also acknowledge that this will not always be necessary and LPAs should use their discretion on such matters and make it clear to the developer where the advice is being provided without the benefit of a site visit.

The recognition that LPAs can charge for pre-application advice is welcomed.

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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Whilst the principle of involving others is admirable, in practice this can often be very difficult to do and furthermore would be difficult to undertake consistently for every pre-ap (see comments at Q2).			

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: Currently Local Authority members tend to get involved informally in the process, i.e. if they are approached either by developers or 3rd parties. It seems sensible that their involvement or non-involvement is formalised, to ensure that correct protocols are followed. However, a pre-cautionary approach should be promoted to ensure that Members do not prejudice their position or ability to vote on the matter at Planning Committee once a formal planning application is submitted. The guidance is a bit light at the moment on these issues.			

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>Generally the tools are accepted as good practice mechanisms, which have all been used successfully in the past for pre-application discussions in the Vale of Glamorgan.</p> <p>It would be useful at the introduction of this section to set out when it may be appropriate to provide pre-application advice in writing only, or when a meeting may be useful.</p> <p>In terms of 'Agreeing Application Information', whilst the guidance is helpful, it is not supported by sufficient legislative requirements for validation requirements. The LPA still does not have the power to refuse to validate an application if it is not supported by necessary documents such as a Transport Assessment or Tree Survey, for example. Further legislation in this regard is urgently required to prevent lengthy delays in determining planning applications.</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>Suggest that an additional bullets under "Those seeking advice on development can:"</p> <ul style="list-style-type: none"> - "Respond to the advice given in a positive way and make changes to proposals where appropriate and feasible." - "Prepare supporting documents in advance to aid discussion e.g. Design and Access Statements, Transport Assessments, Tree Surveys etc" <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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The Vale of Glamorgan Council has a protocol in place for pre-application advice and guidance is available on the web site at: http://www.valeofglamorgan.gov.uk/living/planning/planning_applications/advice_and_guidance.aspx</p> <p>The Vale of Glamorgan Council has used development Briefs on key sites to inform pre-application discussions, examples can be viewed on our web site: http://www.valeofglamorgan.gov.uk/living/planning/planning_policy/development_briefs</p>			

t_briefs.aspx

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 checked="" type="checkbox"/>
<p>Comments:</p> <p>Whilst we recognise that the guidance is aimed at LPAs, it currently places the majority of responsibility for successful pre-application discussions on the LPA. There should be much more emphasis on the role of the developer and 3rd parties in the process given that the success of the process is entirely reliant on a partnership approach.</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	Miss Rachael A Bust (Chief Planner / Principal Manager)	
Organisation	The Coal Authority	
Address	Planning and Local Authority Liaison 200 Lichfield Lane, Berry Hill MANSFIELD, Nottinghamshire, NG18 4RG	
E-mail address	planningconsultation@coal.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: The Coal Authority welcomes pre-application engagement and supports steps to encourage its more effective use		

	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 type="checkbox"/>
Comments: The Coal Authority will participate in pre-application discussions where requested to do so			

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 type="checkbox"/>
Comments: Not considered within our remit to 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 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"/>
<p>Comments:</p> <p>Those promoting development can engage better with consultees, through the recognition that information is required by consultees to allow them to comment in a meaningful way. In relation to issues such as mining legacy considering the issue pre-application can avoid abortive costs in scheme re-designs at the application stage. For examples schemes could be designed to avoid the mining legacy or the issue of the prior extraction of the surface coal could be explored as an option in lieu of expensive remediation measures.</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>We consider this question is best answered by LPAs and developers</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>No further comments</p>			

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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**Response of the Public Services Ombudsman for Wales
to the Welsh Government's consultation Draft Practice Guidance:
Realising the potential of pre-application discussions**

1. As Public Services Ombudsman for Wales (PSOW), I investigate complaints made by members of the public who believe they have suffered hardship or injustice through maladministration or service failure on the part of a body in my jurisdiction. I also consider complaints that members of local authorities in Wales have breached their Code of Conduct.
2. I appreciate the opportunity to respond to the Welsh Government's consultation on the Draft Guidance: Realising the potential of pre-application discussions. I do so against the background of the complaints I see in relation to planning applications.
3. I welcome the intention to issue guidance on pre-application discussions. I believe the guidance will be of assistance to planning authorities by putting forward a systematic approach to pre-application discussions which, if adopted, will allow for greater commonality and consistency among authorities in Wales. In addition to this, it will lead to an improved service to both planning applicants, developers and communities affected by development proposals. I am particularly pleased to see that the document addresses issues in relation to record keeping and consultation processes as these are areas of weakness that I frequently see in the complaints I consider. I believe the guidance in these areas will improve services for both planning applicants and those affected by planning proposals. Specific comments I wish to make are set out below:

(a) References to the Public Services Ombudsman for Wales:

- **Page 14, paragraph 2.1.4** – I welcome the fact that there has been regard to the factsheet that I have published concerning planning applications, however, I suggest that the wording at paragraph 2.1.4 be amended to read:

“The Public Services Ombudsman for Wales has noted the following examples of issues which can form the subject of complaints to his office on pre-application advice ...”

- **Page 25 – paragraph 6.2.1, second bullet point** – I am concerned at the suggestion that the PSOW is source of information and advice on planning matters. This is not my role. My role is to provide advice to people on making a complaint about a planning matter.

I suggest that this reference be moved to the end of the guidance document and to a new and separate section referring to how people can complain about the pre-application process of a planning application, including how to complain to the Public Services Ombudsman for Wales. This should include reference to the fact that the Ombudsman can only consider complaints where the complainant concerned can demonstrate that they have suffered personally as a result of a failing on behalf of the planning authority. It should also draw their attention to the fact that the Ombudsman cannot consider complaints where there is or was a right of appeal against the Council's decision to the Planning Inspectorate.

(b) **Meaningful engagement and involvement – paragraph 2.1.5** – I particularly support this approach. From a number of complaints I have seen, I believe that had this approach been adopted from the outset, disputes further down the line in the planning process could have been avoided.

(c) **The nature of pre-application advice - paragraph 3.2.2** – I am slightly concerned at the wording at this paragraph regarding continuity in officer involvement throughout the development management process. I would suggest that this be amended so that it is made clear that those involved at the determination stage should be separate from those responsible for pre-application advice/service.

(d) **Statements of service/protocols and recording discussions - Paragraph 3.4.2** – I am pleased to see the reference to linking the records of the pre-application process to the application itself. From the complaints I see often there are no records of pre-application discussions on file. Linking the records together in this way will give a much better picture of what has happened in relation to the planning application from the very start.

(e) **Involving others – local authority services - paragraph 3.6.1 and 3.6.2** – I welcome the guidance concerning a holistic approach in relation to development proposals. I have frequently seen examples in the planning complaints I have considered where there has been a lack of a joined up corporate approach within a local authority and a lack of multi-agency working.

(f) **Member involvement - paragraph 3.6.1** - I am concerned at the wording of this paragraph on the role of local authority members. I suggest that this should be amended to state that members should have regard to their own local authority's protocol, as well as the authority's Code of Conduct and the Guidance from the Public Services Ombudsman for Wales on the Code of Conduct for members of local authorities in Wales.

**Public Services Ombudsman for Wales
September 2011**

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name		
Organisation	The Law Society of England and Wales	
Address	113 Chancery Lane London WC2A 1PL	
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 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>The Law Society agrees that pre-application discussions can be beneficial and we support the principles set out at paragraphs 2.1.1 - 2.1.5.</p> <p>We have three suggestions:</p> <p>1. The guidance identifies at paragraph 3.5 the need for proportional discussions. We consider that the guidance could be more specific on the type and scale of applications where the involvement of other parties is appropriate.</p> <p>2. A national model Statement of service/protocol should be considered to ensure that the standard and level of pre-application consultation is consistent across Wales and that differences between authorities are only those that reflect different local conditions.</p> <p>3. The involvement of members in pre-application discussions is a sensible suggestion that has considerable merit in ensuring that elected representatives are well informed as to proposals and have an opportunity to participate in the</p>		

discussion. However, bearing in mind that the provisions in the Localism Bill (cl 13 of the Bill as introduced) that provides that a prior expression of view is not to be construed as a prior determination of a planning application, will not apply in Wales, there should be specific guidance on member participation that refers to the application of the members' code of conduct to such participation.

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 principles appear sound subject to the comments already made in reply to Q 1.</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>The Law Society considers that the adoption of a protocol should be expected of every local planning authority. Our reply to Q 1 recommends that a model form is prepared. The Welsh government should encourage/facilitate a body such as the WLGA or the Planning Officers' Society to produce such a form after consultation.</p> <p>Good record keeping of discussions is essential. Guidance on this would be helpful. The Law Society does not see the need for lengthy verbatim minutes. A summary of key comments/suggestions made by the LPA and a list of action points for the LPA/other participants/applicants, should be sufficient, along with a record of any documents or plans tabled or discussed at the meeting.</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>A proportionate approach is essential. The Law Society recognises that while the larger applications will be resource intensive, the overall reputation of an LPA for effective handling of applications will reflect the way in which smaller applications are handled. A citizen is entitled to prepare and submit a planning</p>			

application without professional representation. While the publication of guidance for applications will assist applicants the expectation should be that a citizen will be able to see a planning officer before they make their application.

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: The sentiments of these provisions are to be welcomed. However, the Welsh Government should take steps wherever possible to direct encourage or issue guidance to statutory or non-statutory consultees to participate in discussions.</p> <p>We have already commented under Q 1 on the participation of elected members.</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: Please see our reply to Q 1.</p> <p>Due to the implications for probity and the question of pre-determination the Law Society believes that specific protocol is required to ensure that members are not put at risk of disqualifying themselves from taking part in the actual determination of a planning application through having been involved 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: The Government should consider:</p> <ol style="list-style-type: none"> 1. Issuing practice guides such as the PAS guidance in England tailored to the Welsh context. 2. Consider when a legislative opportunity arises, placing pre-application discussions on a statutory footing along the lines of clause 102 of the Localism Bill (as introduced) 			

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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: The advice on developers engaging professional advice needs to recognise the right of a citizen to make a planning application and that expensive professional advice may not always be necessary, especially with householder or small business applications.			

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

Q10	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them: (on the consultation response form at Annex 1).	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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Planning Aid Wales consultation response, 28th September 2011

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

To: planconsultations-d@wales.gsi.gov.uk

1. About Planning Aid Wales

1.1 Planning Aid Wales is an independent not-for-profit charity which is core funded by the Welsh Government. We work for a fairer and more transparent planning system which is responsive to community needs and preferences.

1.2 We provide information, advice and support services to enable communities to understand the planning system and to participate more effectively in it. We also work with local planning authorities and the Welsh Government to encourage more and better community involvement in the planning process.

1.3 When responding to consultations on emerging national planning policy, we aim to identify and hopefully rectify potential policy barriers to meaningful public involvement in planning.

2. Consultation response

General comments

2.1 Planning Aid Wales sees benefit in early and meaningful interaction between prospective developers and planning authority staff. We are too often faced with *impasse* situations resulting from a failure to communicate intentions at an early stage. Discussions prior to submission benefit both authority and applicant by improving the quality of submitted applications and ensuring that all the necessary supporting information is available, ready for public consultation.

2.2 This practice guidance note will help to deliver greater certainty and transparency over pre-application discussions. However, there are several areas where amendments could be made to improve clarity, particularly in relation to realising the potential of early engagement of local communities in pre-application discussions about larger, more significant development proposals

Response to consultation questions

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

2.3 We strongly support the principle of pre-application discussions and also the introduction of a practice guidance note.

2.4 Section 2 of the practice note could be improved by including reference to the benefits to be gained by seeking to engage local communities at an early stage, particularly in relation to larger and more complex development proposals. We note that Sections 1 and 3 already cite these benefits.

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

2.5 We do agree with the five principles given in 3.1.2 but think one additional governing principle should be added as follows: *'Pre-application advice should be the product of a transparent process, which is inclusive and available to all members of the community.'* This is taken from preceding paragraph 3.1.1.

2.6 We suggest these key principles of practice guidance could be much more clearly identified in the text, either through a bold heading or contained within a highlighted text box.

2.7 Bullet point 4 under 3.1.2 refers to local planning authorities taking on a brokering role, a phrase which is not used elsewhere in the document. Explanation of what is meant by the term in this context would assist the reader.

2.8 Bullet point 4 could also go further by encouraging planning authorities to urge developers to make links with local communities at an early stage of project planning, particularly in relation to larger and more complex proposals, rather than relying on the local planning authority to act as intermediary.

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

2.9 The consultation question seeks views on whether local planning authorities should provide a statement of service and the recommended content. Our response to the question is 'yes'. 3.4.1 should be amended accordingly to reflect the question (by replacing the first 'could' with 'should').

2.10 With reference to bullet point three of paragraph 3.4.1, a cross-reference could usefully be made to section 3.6 ('Involving others').

2.11 Paragraph 3.4.2 stresses the importance of keeping an accurate and detailed written record of pre-application discussions, and the need to add the note to the case file once an application is received. It would assist transparency if there was also reference to all the documentation relating to planning applications being freely available for public perusal (commercially sensitive information excepted).

2.12 Paragraph 3.4.3 makes reference to Freedom of Information requests needing to be made to allow members of the public to see notes of discussions. This seems to be excessive and we suggest the practice guidance covers this matter in a little more detail.

2.13 The latter part of paragraph 3.4.3 refers to information being withheld only in 'exceptional circumstances'. The guidance could usefully provide a little more detail (possibly examples ?) of circumstances that might be considered 'exceptional'. There is potential here for developers to state that information on a proposed development is commercially sensitive when it is not, thus reducing the intended transparency of the process. Reference might also be made to a rationale and / or criteria governing how long information should be treated as confidential.

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

2.14 Yes.

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

2.15 Yes. We strongly support the encouragement to involve local communities.

2.16 The practice guidance would be hugely improved by including sources of additional guidance, a range of approaches for involving local communities, and also possibly some good practice examples.

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

2.17 Yes, we do support the involvement of local authority members but recommend the inclusion of a reference stressing the importance of planning training for members prior to their active involvement in pre-application discussions.

2.18 It should also be made clear whether planning committee members participating in such discussions should be excluded from the decision making process, or whether there would be issues of prejudicial interest if they were to do so.

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

2.19 In general, yes.

2.20 The second sentence of paragraph 4.1.1 could be strengthened by substituting 'could' with 'should'.

2.21 Under paragraph 4.2.1, further clarification could be provided to define the term 'appropriate consultation'.

2.22 We welcome the encouragement in paragraph 4.5.2 for locally developed planning obligations guides. Such guides should make clear how and where monies will be allocated and how local communities, particularly those in proximity to a development, can contribute to such decisions.

8) Do you agree with the contents of the two checklists ?

2.23 Yes. The checklists are comprehensive, but the word 'can' could be changed to 'should' in referring to the actions (paragraphs 5.2 and 5.3) to increase their impact and effectiveness.

2.24 The penultimate bullet point in the second check list for local authorities could make reference to the fact that notes of pre-application discussions will be added to the case file and be available for public perusal.

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

2.25 We would encourage any examples of good practice which might arise from this consultation to be included in the final version guidance.

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:

2.26 Paragraph 1.1.2 makes reference to pre-application discussions helping to identify opportunities to engage local communities. This could be strengthened by including reference to the potential of pre-application

discussions to raise awareness of a development proposal and to help manage tensions which might otherwise arise in local communities.

2.27 Paragraph 1.2.1 makes reference to the practice guidance being of use to communities. It would be useful to make reference to those sections of the guidance which are intended to assist third parties. It would also be useful to assemble a glossary to explain the specialist terminology which is used, including the following terms: 'stakeholders', 'third parties', 'consultees' and 'local communities'.

2.28 Paragraphs 1.3.1 and 1.3.2 describe the scope of the guidance. They could also usefully give some indication of the weight to be attached to the guidance and whether it will be a material planning consideration.

2.29 Paragraph 3.2.2 could give encouragement for planning authorities to provide training opportunities for officers expected to provide pre-application advice.

2.30 Bullet point 2 under paragraph 5.2 could usefully be cross-referenced to the first bullet point under paragraph 5.3, which would be amended to encourage local authority guidance on pre-application discussion to provide links to relevant pages of their websites to make navigation easier.

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Helen Kane MRICS MCIH NRAC Consultant	
Organisation	Access Included / Disability Wales	
Address	216 Cathedral Road Cardiff CF11 9JG	
E-mail address	Helen@access-included.co.uk	
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 checked="" 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: To create inclusive environments in accordance with TAN 12 and policy clarification letter CL-03-10, the principles of inclusive design need to be embedded early in the design. The Access part of Design and Access statements is widely misunderstood and missing in Wales (see findings of the 'Planning for Inclusive Access in Wales - the Way to Go project', 2011 annual report). Identifying the need for inclusive design at the pre-application stage is critical, as retro-fitting inclusion is expensive and produces unsatisfactory results.		

	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:		

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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>I would recommend further, simple guidance on the access element of design and access statements, the Equality Act 2010, including the public duties, and some example 'access' statements with a simple checklist of contents to guide applicants. Reference to the National Register of Access Consultants to seek further guidance from would assist applicants considerably. Advising applicants of the presence of 'access groups' who may assist applicants with inclusive design details and encourage inclusion is essential. Providing both pieces of information would considerably reduce the workload of planning officers .</p> <p>Planners should also consider the findings of the "Planning for Inclusive Access in Wales - the Way to Go Project' useful, particularly as the training element covers all Welsh Planning Authorit</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>			

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>Although disabled people represent 30% of the population in Wales, they are not statutory consultees. As this proportion is a material consideration, strenuous efforts should be made by LPA's to encourage participation in pre-application discussions by the WHOLE community. Disability awareness training for planning staff and members would provide details of positive engagement tactics. The requirements of the public sector general and specific duties in the Equality Act 2010 and the engagement principles in the Equality Bill place considerable emphasis on effective engagement and the absence of pro-active measures to ensure this carry considerable risks. Completing equality impact assessments on</p>			

policies, practices and larger applications should reveal the need for particular attention to sections of communities.

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>Training in public engagement for members is recommended, particularly reaching the 'less vocal' members of the community members may not be aware of (perhaps because their 'surgeries' are held in inaccessible buildings, for example).</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>There is insufficient information and training on design and access statements, particularly the access element. Applicants and planners do not have sample statements for guidance and there is negligible training on inclusive design. Therefore the excellent tool offered by DAS's is not being used or enforced. We are therefore still creating a legacy of inaccessible buildings, with a rapidly aging and increasing percentation of disabled people in the population in Wales. Inclusive design is not linked to sustainability, so buildings continue to be refurbished to suit changing needs rather than building flexibly in the first place to preserve the environment. There is a desperate need for resources in this area.</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>			

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>Cardiff City Council working with local access groups on major developments to ensure that designs are inclusive. This involves the Local Authority Access officer liaising with established, representative groups. Travel expenses and refreshments are provided for consultees who provide their time and advice without charge.</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>6.1.1 - sources of information</p> <p>With TAN 12, add the guide to design and access statements produced by Planning Aid Wales.</p> <p>The use of Design and Access Statements at the pre-application stage is an excellent idea, but the access element requires further explanation, training and guidance for it to be produced in accordance with policy and enforced effectively.</p> <p>The findings of the "Planning for inclusive access - the way to go project" (Run by Disability Wales with Welsh Government funding and EHRC support) are particularly relevant to this consultation as the training element covers all Welsh Local Planning Authorities.</p> <p>Main findings in the 1st year:</p> <p>1 The lack of fully accessible event venues in SE, W & N Wales The project offered an opportunity to demonstrate to venue managers the requirements of accessible venues and their high level of demand. In the 2nd year of the project we have taken advantage of this by ensuring that eight venues rather than 1 have been used, highlighting accessibility good practice to each venue. This has resulted in achieving a number of additional venues with improved access provision in North and West Wales. Procuring with a simple audit checklist encouraged a number of businesses to improve their venues to become accessible.</p> <p>2 The low level of awareness and training for Planners on access issues, including Design and Access Statements (DAS) The project offered a rare opportunity for planners to meet disabled people and understand inclusive design issues. This was welcomed and appreciated by planners attending.</p> <p>3 Low attendance by planners Surprisingly, despite extensive marketing, the free training was not taken up by</p>			

some Local Authority planning teams. Attendance was low to nil in some areas, averaging at 29% against the target 50%. In the second and third rounds attendance by planners has been far lower. Many authorities cited lack of consent from line managers to attend training.

4 Tensions between planners and access / disability groups

Planners revealed that many have little opportunity to meet with disabled people or understand their needs. Other participants revealed that the planning system was not clear and had been misunderstood. Participants learnt about the value and importance of negotiation skills, addressing constraints in a factual manner with a win-win outcome as a target. This produced excellent results - "I learnt how simple it is to approach conflict head on and not be afraid", said one participant.

5 The use of Equality Impact Assessments and the Equality Act Questions procedure

Apart from DAS's, these are the main tools to assist inclusive design into the development process. Participants were unaware of both. In rounds 2 and 3 the project redesigned modules to include emphasis on these tools, enhancing understanding and use considerably.

6 The need for further training and mediation

The results on the summary day, simulating a planner/access group meeting demonstrated that considerable progress had been made during the project. Further resources are required to cover the next stage in the process, covering Building Control and construction.

Many participants attended all six training days, yet 89% were keen to learn more about inclusion at the end of the 1st round. Some authorities clearly require mediation to open a positive discourse.

Mediation sessions are now being arranged for some target Authorities.

7 The vital role of access officers within Local Authorities

It was clear to all participants that access officers play a vital role within a Local Authority. The few Authorities with access officers have a considerable 'future-proofing' and economic enhancement advantage over those without.

8 Inconsistency in decision making

The absence of disabled people as statutory consultees in the Planning process, lack of training and awareness and funds for access / disability groups were seen as the main causes of inconsistency in inclusive design planning policies and decisions between and within areas.

9 Consulting access and disability groups after an application has been submitted does not allow sufficient time for valid consideration of inclusive design considerations. As they represent 30% of the Welsh population this is a material consideration.

Outcomes

The first year of the project was delivered on time, within budget and to full

capacity audiences. It was well received by a wide range of groups. Feedback was very positive, including:

- | | | |
|------------------------------------|---|---|
| Overall opinion | - | 100% excellent to good |
| Expectations fully met | - | 76% |
| Trainer scores | - | 85% of max. possible score |
| Increase in knowledge | - | Up 3 steps out of 10 |
| Top learning skills | - | Learning how to become involved/engaged |
| | | Negotiation/learning to listen |
| | | Understanding behaviour, disabled people and |
| planning, working in groups | | |
| Interest in more training | - | 89% |
| Top things to change | - | More time and even more group work |

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	Nuon Renewables UK Ltd.	
Address		
E-mail address		
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: The guidance is a council of perfection and does not appear to take account of the reality of resource constraints within local planning authorities			

		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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: There needs to be further consideration of two issues: i. who should be responsible for seeking the views of "hard to reach" groups, and what techniques should be used, and ii. at the early pre-application stage, many developers will be constrained by concerns of commercial confidentiality arising from issues such as competition or land assembly. The advice needs to better reflect this reality, perhaps through a two stage discussion process, initially involving only planning officers. Clear			

advice on this point would make responses to FoI requests more efficient.

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 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 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 type="checkbox"/>
Comments: i. see comments above about hard to reach groups ii. Notwithstanding the advice from PAS, there must be absolute clarity on the "involvement" of members in the pre-application process. For members of the planning committee, there is a huge difference between (a) being aware of the nature of a proposal and (b) participating in discussions about it, when it comes to resisting time consuming JR challenges about predetermination and bias.			

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 type="checkbox"/>
Comments: see ii above. Information reports describing large or controversial proposals would enable members to maintain an awareness without risking predetermination. In view of resource constraints within the LPAs, it might assist			

if agreed drafts of such reports were to be prepared by 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? (See Section 2, paragraph 4.1.1 – 4.6.2)	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The use of demographic sampling is supported for large projects with widespread impacts. However, this is an expensive exercise, so adequate means of using the results in the decision making process will be expected by developers. Opinion surveys must be given appropriate weight alongside individual representations.</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 type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>It is stated in para.5.2 that developers should use the pre application process to promote the economic development value of proposals, and at 3.6.1 that the views of economic development officers should be sought. However, PPW stops short of elevating the creation of employment to a material consideration, and this seriously undermines the utility of any such promotion when it comes to member consideration of a subsequent planning application.</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>The PYC windfarm proposal involved extensive pre app community engagement utilising demographic sampling as part of a comprehensive pre-application process.</p> <p>Such an approach on large scale projects in Wales has proved very beneficial to the developer in shaping an acceptable local development.</p> <p>Advice on how comprehensive community engagement pre-planning work is treated in the planning process, both for the developer and planning authorities to ensure that the value of this approach is recognised and reported appropriately.</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"/>
Comments:			

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

The UK's Leading Business Organisation

Consultation response: Realising the potential of pre-application discussions – WG12667.

1. The Federation of Small Businesses (FSB) is the UK's largest business organisation which represents the interests of over 210,000 members across the UK, more than 10,000 of which are located in Wales. The FSB's membership is diverse and is therefore a sound reflection of the majority of SMEs in Wales. We welcome the opportunity to submit evidence to this consultation, as we feel that as the vast majority of businesses in Wales are SMEs, it is important for the views of this sector to be strongly represented.
2. The FSB has long lobbied for consistent and constructive pre-application planning consultation, to ensure application is the best it could be, and speeds up overall processing time and lowers the overall cost of the application. This coupled with constructive planning application feedback, looking to improve projects, would ensure that the planning process has a positive effect. The FSB in Wales commissioned a study into 'Small Businesses and the Planning system in Wales' by the School of City and Regional Planning at Cardiff University.
3. Some of the most common forms of development applied for by small businesses are:
 - Change of use of existing premises in town centres;
 - Minor physical improvement to retail premises (e.g. shop fronts) or food and drink premises (e.g. external seating areas and shelters);
 - Improved signage for the advertisement of the business;
 - Improved storage facilities;
 - Additional storage buildings on farms, and proposals occasionally related to farm diversification.
4. A range of costs is already incurred in applying for planning permission. The costs incurred by small businesses in applying for planning permission or other forms of consent will usually comprise:
 - A planning application fee (or other fee for related consents);
 - A fee for professional advice or services (if used) that may include legal fees, preparation of drawings and other supporting information, or the fees for employing a planning consultant or other agent.
 - In addition to these costs, a small business will experience a range of other indirect costs that cannot be readily quantified, including:
 - Time spent by the owner or employees of the business in preparation for submission of the planning application, or at later stages of the planning application process;
 - Costs that can be attributed in some part to any delays in the process of determining a planning application.

5. In addition to cost, applicants' time spent in dealing with the planning application. FSB research shows that:
 - Individual applicants report a variation in the time spent dealing with their planning application from just two hours to a total of 70 hours.
 - The average number of hours stated by applicants who dedicated time to managing their planning application was approximately 14 hours.
 - Approximately half of the applicants reporting spending time dealing with their planning application spent 7 hours or less in doing so.
 - Some of the cases involving the greatest amount of time spent by applicants in dealing with their planning application related to farm diversification proposals and planning applications in rural areas.
6. The provision of pre-application advice for small businesses looks like this:
 - Over two thirds (68%) of the applicants contacted their local planning authority for pre-application advice as part of preparing for submission of their planning application. This includes a significant proportion of those applicants who subsequently had planning permission refused.
 - The proportion of first-time applicants seeking pre-application advice was very similar to that for those who had previously submitted a planning application.
 - Most of the applicants seeking pre-application advice from their local planning authority did so by telephone.
 - All small business applicants to two of the selected local planning authorities had consulted their local planning authority for pre-application advice. Reference was made by one applicant to pre-application advice being regarded as a standard requirement of the planning process.
 - Most applicants reported finding it easy and straightforward to contact a planning officer for pre-application advice. Applicants in some cases, however, questioned the extent of the advice available to them or the clarity and quality of that advice.
 - Pre-application advice from a planning officer is an important aspect of preparing a planning application. Few small business applicants consulted any written policies, guidance or plans published by the local planning authority of the Welsh Assembly Government. Only in a very limited number of cases did applicants visit their local planning authority's website for further information prior to submitting a planning application.
 - Applicants in some cases seek guidance from other officers of the local authority, as well as from other organisations (e.g. Forestry Commission).
 - Applicants reported in a small number of cases being given apparently conflicting advice from different officers or departments of the local authority.
7. With regard to the opportunity to meet with planning officers on site, this would prove useful for businesses which fall outside of the most common types of planning applications:
 - Applicants had the opportunity to meet on-site with a planning officer to discuss their proposals in 10% of the cases reviewed.
 - For those who did not have such an opportunity, around one third of applicants expressed the view that such an opportunity would have been

helpful as a way of explaining the small business's objectives and intentions.

- However, many felt that such an opportunity was not necessary as part of the process of determining their planning application.
8. Applicants would like to see the system include:
- Improved assistance from the local planning authority in correctly completing the relevant forms as part of the planning application;
 - Ensuring continuity between the officer providing pre-application advice and the appointment of a case officer following submission of the planning application;
 - Ensuring that the different departments of the local planning authority provide consistent advice and that a 'joined-up' service is provided to applicants encountering different regulatory processes (e.g. building control and planning);
 - A requirement for planning officers to visit the applicant in person and on-site;
 - Closer consultation with the applicant prior to reaching a decision on the potential effect of imposing conditions on the value of the planning permission.
9. Pre-application advice is frequently provided as part of the process of small businesses submitting a planning application. However, this does not prevent many applications being incomplete when submitted or amendments being requested to registered applications. Many of the issues that pre-application advice can potentially assist with are not resolved by the giving of pre-application advice by local planning authorities. A significant number of applicants are requested to amend their proposed development following submission of the planning application. Applicants frequently find the local planning authorities' request to make amendments to be unhelpful.

The FSB would therefore recommend that:

- Local planning authorities to be encouraged to review procedures for recording pre-application advice given by officers and to explore more effective ways of communicating that advice to potential applicants. This may require a degree of formalisation of the processes of providing and recording pre-application advice.
- Local planning authorities consider introducing mechanisms for being proactive in identifying whether persons seeking pre-application advice are small businesses, so that suitable guidance can be issued and advice given at an early stage.
- Local planning authorities to aim to ensure continuity between the officer providing pre-application advice to a small business and the allocation of the case officer once a planning application is submitted. This may be extended to the establishment of a dedicated small businesses team comprising a small number of planning officers that are trained and briefed in the service needs of small businesses.
- Local planning authorities compile 'sample' planning applications made by small businesses for use by other businesses in completing planning

application forms and supporting documents. These could be included as pre-application guidance issued to small businesses.

- Promotion of early discussion between the local planning authority and applicants of any conditions that might be attached to a planning permission if successfully applied for, including at pre-application stage where possible.

10. Response to consultation questions:

Q1 (paragraphs 2.1.1 -2.1.5)

Paragraph 2.1.2 states that, 'Pre-application discussions rely on a constructive approach from both developers and local planning authorities. The benefits are available to both parties.' The FSB would wholeheartedly agree with this statement and would hope that this process is seen as an integral part of the planning process, and is therefore a service which does not incur an additional fee, as both parties benefit from pre-application discussions.

Q2 (paragraphs 3.1.1 -3.3.1)

We agree that the process should be open and transparent, we would in particular welcome discussion being early and in addition thorough, to ensure all the information is covered and the application is as complete as possible, with no unexpected perceived barriers thrown in later in the process. Whereas it is important for a 'local planning authority to work co-operatively with developers to identify the most fundamental issues' it is also important for both parties to work with others at an early stage of a discussion as well.

Q3 (paragraphs 3.4.1 -3.4.3)

We would welcome clear guidance, so that applicants know what service to expect, and what is expected of them and at what stage. 'Sample' applications would also be helpful to small businesses in completing planning application forms and supporting documents. We would welcome the pre-application records being linked to an application to ensure continuity, as may of our members report that pre- application advice is received over the phone, and no name is recorded, which can lead to some frustration on a small businesses part if the conversation at that stage does not then reflect discussions at a later stage with a different individual.

Q4 (paragraphs 3.5.1 -3.5.3)

Close working, not just between the planning officer and applicant, but also with third parties is important and consistency is crucial to the process. Written advice and examples are helpful, however applicants do need access to support when needed, be this a Planning Officer or being directed to a business support service, such as Planning Aid Wales or Economic Development support for an application.

Q5 & 6 (paragraphs 3.6.1 -3.6.3)

Involving others could be a way of avoiding problems further down the line which could be addressed in an initial application, however engagement from others should be taken in context and be proportional to economic

development potential. We have an example of a member who is looking to expand a restaurant which has received no complaints in seven years, however due to one recent complaint the application has been refused, and at appeal the applicant was only given three minutes to explain and the case was refused within five minutes. This would have been a £728,000 investment in the area with 16 full and part time jobs. Cooperation with other departments and agencies, such as Economic Development is however very important.

Q7 (paragraphs 4.1.1 -4.6.2)

There should be consistency with regard to what tools are available as well as the approach, site visits can be important in some cases and should not be dismissed as costly if they would save time and money overall. Small businesses often discuss cases informally with a planning officer over the phone, and consider this as pre-application advice, whereas a planning officer would not. This therefore can lead to misunderstanding and false expectations, and the perception that barriers are thrown in further into the process. We therefore completely agree that planning obligations should form a part of pre-application discussions; however these should be reasonable to the type and scale of a development, not perceived as an opportunity for Local Authorities to gain from an economic development. We have been given examples of section 106 agreements being discussed with small businesses diversifying. Clarifying the official tools is also important for consistency as there is a varying response to the level of satisfaction of businesses that have gone through the process. It is also important for businesses to be made aware of other business support available to them, such as Welsh government business support, planning portals or Planning Aid Wales.

Q8 (paragraphs 5.1.1)

It is important that if there are checklists that this eliminates the risk of additional information being requested after submission of an application. It would also be important for planning authorities to view pre-application advice as integral to the planning system, and not optional or additional to the planning application process. Pre-application advice would therefore not be charged additionally, as we have an example of the Brecon Beacons National Park Authority starting to charge for pre-application advice, where there is a Brownfield site of about 1.25 hectares which they want to charge a micro business £1,000 to even meet to discuss the development with them. Charging could mean that small businesses don't feel able to pay and both sides would experience delays and problems further down the line, which could have been avoided by early engagement. This consultation states 'The benefits are available to both parties', and we would completely agree with this.

Q9 & 10 Please refer to paragraphs 3-9 of this response.

11. We hope that these comments will prove of use to the consultation process on this issue. If you require clarification or additional information, please do not hesitate to contact Non Rhys, non.rhys@fsb.org.uk

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name		
Organisation	Cadw	
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"/>
Comments: Cadw fully supports the practice of local planning authorities giving pre-application advice. We also welcome this draft guidance as it will help to promote consistency and encourage best practice. We would, however, suggest that the reference to other types of application in para 1.3.2, including conservation area consent and listed building consent, be strengthened and included elsewhere in the guidance as the document has wider relevance than just planning applications.		

	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: Cadw generally agrees, especially with para. 3.2.2 and the need for officers to have sufficient experience to provide advice. This is particularly important with		

proposals affecting the historic environment where conservation officers should be brought into the discussions at an early stage.

However, whilst we agree that the co-ordinating role of local planning authorities in pre-application discussions is an important one, we do question the reference to 'brokering' unless this statement is carefully qualified. It implies a mediating role that could give rise to false expectations, particularly where objections to a proposed development are unreasonable.

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: Yes, agreed.			

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: Cadw agrees in principle with this approach, but recognises that not all local planning authorities have adopted supplementary planning guidance on design issues. Even good quality guidance has its limitations which needs to be acknowledged. The example of replacement shopfronts is given, but many retail areas are designated Conservation Areas. Whilst design guides can provide a very useful starting point there will still be a need for face to face discussions in many cases.			

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: Cadw agrees with this approach, but suggests including reference to building conservation officers and building control officers under the heading of 'Local authority services' in para. 3.6.1. We also suggest that local planning authorities are encouraged to consider related applications for planning permission and for listed building or conservation area consent concurrently as advised by para. 8			

of Circular 61/96. Reinforcing this advice in this best practice guidance would help to reduce the risk of conflicting advice being given.

Cadw is happy to participate in pre-application discussions that raise particularly complex or unusual issues. Guidance on our involvement is provided in paras. 100-103 of Circular 61/96.

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 local authority members may be useful provided that clear protocols are established and rigorously enforced. The role and responsibilities of members should be clearly explained to all of the parties involvement at the outset of discussions.			

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: Cadw agrees, but would like to see the last sentence include development proposals affecting 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We are pleased to see that developers are encouraged to seek professional advice early in developing a proposal. However, they should also be encouraged to appoint advisors who possess an appropriate level of qualification and experience to deal with the specific issues raised. Proposals affecting the historic environment are frequently delayed or refused as a result of the agent's lack of heritage skills. The choice of advisor is therefore often crucial to the outcome of an application.			

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

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: We welcome this guidance, which will help to promote consistency and transparency. It should also help to improve the standard of submissions and hence the speed of determination and reduce the need for planning conditions. Nevertheless, pre-application advice is resource intensive and whilst we understand the need for local planning authorities to introduce charges for this service, there is a risk of this becoming a barrier. This is particularly relevant to applications for listed building or conservation area consent, or for planning applications required following the removal of PD rights, where the applications do not currently attract fees. Charges should be appropriate to the nature and scale of the proposed development and not used by local planning authorities as a means of deterring pre-application discussions.			

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	Denbighshire County Council/Conwy County Borough Council	
Organisation	Planning Regeneration and Regulatory Services - Joint Response	
Address	Caledfryn, Smithfield Road, Denbigh, LL16 3RJ	
E-mail address	paul.mead@denbighshire.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 guidance is welcomed. There does need to be more emphasis placed on beneficial pre-application work, however, recognition must be made to the limited staff resources within Planning teams. There may need to be a reduction in the emphasis on the speed of making decisions to enable a more robust and worthwhile pre-application service to be provided.		

	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"/>
<p>Comments:</p> <p>This is essential to ensure that the expectation on the part of the developers is matched by the level of information they are able to provide up front. A consistent charging aystem should be adopted throughout Wales with the flexibility for LPA's to waive charges based on regeneration issues.</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>Use of the website and free planning surgeries should be adopted.</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>This would need to be carefully managed and would require a clear protocol or statement of service outlining exactly the type/scale of development which would trigger Member/Town and Community Council involvement. Expectations would also need to be managed with clear minute taking required for meetings to avoid misinterpretation of advice given.</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>Members need to play an increasing role in pre-application discussions. They have a vital part to play in balancing the needs of the local community and the benefits which certain developments can bring. They would need to be given clear guidance on the impartiality of their role and training would be required to ensure probity remains. The Local Authority Members and the Town/Community</p>			

Councils should also play key roles in the issues progressed in s.106 agreements having regard to adopted Policies and Guidance.

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>Resources will dictate the number of type of development briefs which LPA's can draw up for sites. The onus should be on a developer to provide as detailed a pre-application pack as possible to enable them to get the most benefit from professional input. LPA's should hold a useable validation checklist document and there should be a strict set of criteria adopted for pre-application information provided for DTA type meetings.</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 issue of staff resources should not be underestimated and commitments to continuity of Officer involvement, the range of Council Officer/specialists available and their accessibility may not always be easy to arrange. Involving third parties will also make it increasingly difficult to offer guarantees to consistency of pre-application and application decisions. The role of agents needs to be looked at to ensure that applicants are fully aware of information they can access and Officers can provide. Agents will often use Officer time and resources to get information they can get themselves and then charge their clients!</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>Denbighshire provides a free fortnightly planning surgery. Members will also attend such surgeries and sit in on discussions. We would also provide a DTA service and we are considering charges for this service. The role of Regeneration and Policy Officers is also key to developing the concept of a Relationship Manager who will hold a developers hand through the pre-application and application process. This is an area we are looking to develop on a collaborative basis.</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 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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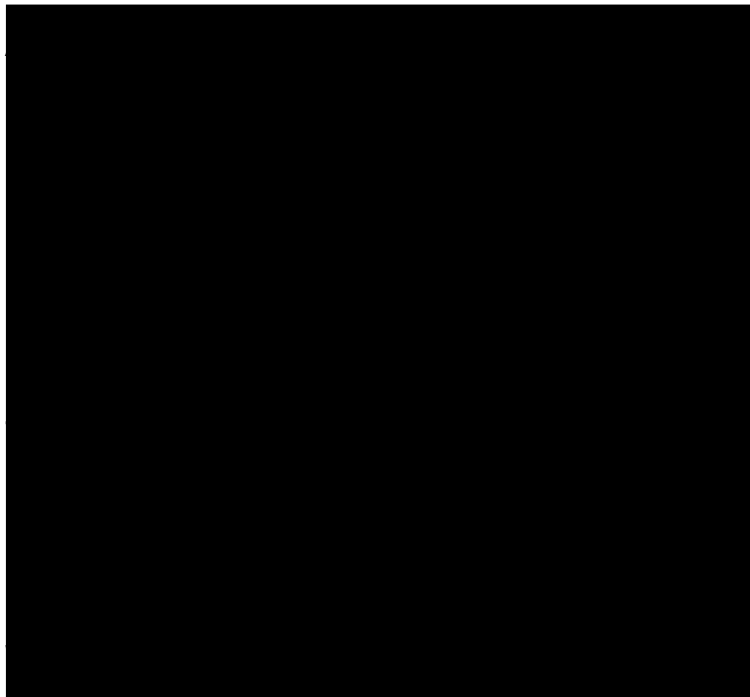
Welsh Government

**Consultation Document
(WG12667)**

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

Response from The Guide Dogs for the Blind Association
(Guide Dogs)

Prepared by



Introduction

Guide Dogs' vision is for a society in which blind and partially sighted people enjoy the same freedom of movement as everyone else. Our purpose is to deliver the guide dog service and other mobility services, as well as breaking down barriers - both physical and legal - to enable blind and partially sighted people to get around on their own terms.

Consultation Questions

Q1	<p>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?</p> <p>(As set out in Section 2, paragraphs 2.1.1 – 2.1.5)</p> <p>Response:</p> <p>We would agree that pre-planning discussion is useful, (even essential), and have no amendments to suggest.</p>
Q2	<p>Do you agree with the principles? If not, what amendments would you suggest? (See section 2, paragraphs 3.1.1 – 3.3.1)</p> <p>Response:</p> <p>We fully agree with the principles.</p>
Q3	<p>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)</p> <p>Response:</p> <p>We would agree with a Statement of Service, and would further advocate the need for all communication with stakeholders and the local community to be made available in a range of formats. It is our experience that local authorities consistently fail to do this, and generally resort to the local newspaper for the publication of all such issues. Blind and partially sighted people cannot access newspapers, and so they are routinely excluded from pre-consultation discussions.</p>
Q4	<p>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)</p> <p>Response:</p>

	We have no comment to make on this point.
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)
	Response: We would wholeheartedly support the broad principles in the guidance document, but sadly, specific mention of people with protected characteristics is missing.
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: We have no comment to make on this point.
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) Response: We have no comment to make on this point.
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: Please refer to answer to question 9.
Q9	Please provide details of case studies that illustrate current pre-application discussion practice. Response: Case Studies Unfortunately, we have examples of where consultation and engagement, is not taking place. A public consultation on plans to regenerate the centre of Aberdare was undertaken by Rhondda Cynon Taff Council in June 2011. A month before, a meeting was held with a group of blind and partially sighted people where

specific issues of concern were identified and minuted. The consultants engaged by the Council, Capita Symonds, were represented, and the minutes record heated debate about proposed shared surface areas for pedestrians and vehicles and unsegregated pedestrian and cycling routes through the town.

The proposal to reduce some kerbs to 25mm upstands met with strong opposition from the group. Blind and partially sighted people rely on kerbs to tell them where the footway ends and the road begins, so when kerbs are reduced to this extent, or taken away completely, as in shared surface streets, blind and partially sighted pedestrians can wander into the path of vehicles without being aware of the danger. The Capita Symonds consultant did agree to report back, but when the public exhibition was held the 25mm kerbs were still there on the plans.

To date, no specific feedback has been given to the group, and the engagement process, such as it was, is clearly flawed: The meeting referred to here was held far too late in the planning process; the plans presented were all in print with no accessible alternative versions even discussed; the public exhibition, which a local Guide Dog Owner went to on behalf of the group, was entirely inaccessible and based on complex plans displayed on boards attached to the wall of the church where the exhibition was held. This made explaining the proposed new development even harder: The detailed explanation required to describe the plans was hampered by the physical inaccessibility of the diagrams and pictures set up, as they were, for maximum visual impact.

We would therefore have no hesitation in stating that the consultation process was tokenistic and fruitless, and that engagement, as required under the Council's equality duties, failed. It is significant that no EIA had been considered, so it is hard to see what influence the "Turning Heads" strategy had on the process.

Sadly, there is a similar situation taking place in Abertillery, where changes to the town centre mean that local blind and partially sighted people are afraid to walk their usual routes unaccompanied.

"It's a regular walk for me and my dog, and since they started working there the contractors have been very helpful, taking me around all the obstructions and lorries. Now they've moved to another spot, I can't manage it on my own, and I have to get my wife to come with me. That's ridiculous, I've got a dog to be independent, and I didn't know they were turning it into a no-go area for me!"

Mr N, Guide Dog Owner, Abertillery.

We are encouraged to note the introduction of new specific duties for Wales. Of particular relevance in this context are the duties around engagement, and assessing impact. Although this consultation concerns itself with pre-planning discussion, the process of engagement as explained in the Equality Act must surely be taken into account: Below is an extract from “Assessing impact: A guide for listed public authorities in Wales” (Equality and Human Rights Commission, 2011).

WHAT THE DUTY REQUIRES ON ASSESSING FOR IMPACT

A listed body in Wales must:

- Assess the likely impact of proposed policies and practices on its ability to comply with the general duty
- Assess the impact of any policy which is being reviewed and of any proposed revision
- Publish reports of the assessments where they show a substantial impact (or likely impact) on an authority’s ability to meet the general duty
- Monitor the impact of policies and practices on its ability to meet that duty.
- Reports on assessments must set out in particular
- The purpose of the policy or practice (or revision) that has been assessed
- A summary of the steps the authority has taken to carry out the assessment (including relevant engagement)
- A summary of the information the authority has taken into account in the assessment
- The results of the assessment
- Any decisions taken in relation to those results.

Sadly, it is our experience that the EIA process is often entirely overlooked when regeneration schemes are proposed. The most glaring example, relevant to this discussion, is in Carmarthen where the town square was turned into a shared surface where pedestrians and vehicles mingle with cyclists, children on skateboards and taxis picking up and dropping off passengers.

Shared surface streets are where the road and pavement are built at the same level, removing the kerb, and with cars, buses, cyclists and pedestrians sharing the same surface; sometimes controlled crossings (such as pelican crossings) are also removed. The scheme is said to work through reliance on eye contact to negotiate priority.

Guide Dogs believes shared surface streets create issues for many groups of people including -

- Guide dog owners and long cane users, who use the kerb as navigation clue to know where they are in a street, and who are unable to make eye contact with drivers of vehicles or cyclists.
- Disabled and elderly people, who have to share the same space with noisy and intimidating vehicles and bicycles.
- Young children who no longer know where they can safely cross the road. i.e. without a kerb, how do they know where to stop?

In the case of Caernarfon, the local Access Group tried to make the Council aware of their concerns at an early stage but their views were not taken into account. Subsequent meetings to discuss how the space could be improved and made more user friendly to disabled people resulted in some retrospective measures being introduced. These have increased the overall spend on the regeneration, which could have been avoided if an EIA identifying differential impact had been undertaken.

We close our response by mentioning one example known to us where successful pre-planning discussion does take place: Cardiff Access Focus Group (CAFG) is a consultative forum of disabled people supported by the Council, and convened by it's Access Officer. It meets regularly to discuss proposals, which impact, on the public realm, as well as transport and local facilities. Dialogue is lively and there is sometimes disagreement as well as the need for clarification, and adaptations to the way information is presented. A number of the group are blind and partially sighted, and tactile plans, as well as site visits, have been organised to facilitate clarity, and to ensure that the real impact of the proposal is fully understood

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).
	<p>Response:</p> <p>We have no further comment to make.</p>

Realising the potential of pre-application discussions		
29 June 2011 - 28 September 2011		
Name	Rhian Nowell-Phillips	
Organisation	Farmers Union of WAles	
Address	Llys Amaeth, Plas Gogerddan, Aberystwyth, SY233RG	
E-mail address	rhian.nowell-phillips@fuw.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: The Union agrees that pre-application discussions can be beneficial to potential applicants, although it does believe that guidance should be clear enough to ensure a uniform approach across all local planning authorities (lpa's). Consideration should be given to ensuring that any pre-application advice be given in writing, so that any differences in the interpretation of advice between different planning officers is fully transparent throughout the process.		

	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 FUW fully supports the principles of transparency and inclusivity as outlined in paragraph 3 and endorses this approach.		

The Union also believes that it is essential that a proportionate response is made to the scale and complexity of the project, notably with one off projects often dealt with under planning officers delegated powers. It also believes that continuity of officer involvement must be maintained..

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>The FUW agrees with this approach, which will give all developers, regardless of size of development, the signposting and guidance required to make the planning process more transparent and user friendly, particularly for smaller developers.</p> <p>To encourage potential developers to participate, no fees should be charged for the initial discussion(s) and provision of planning policy information. Any subsequent fees should be kept to a minimum and should be proportionate to the scale of the development.</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>The FUW believes that a clearly written advice note should be readily (and freely) supplied to any applicant making an enquiry, this should include a list of all categories not requiring planning consent, which could help to reduce unnecessary officer time in the planning process.</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>Whilst the Union supports in principle the need to engage local communities and other stakeholders in the pre application discussions for larger developments, there is concern that involving the wider community at such an early stage carries a risk of political views being introduced at a stage where the feasibility of the proposal within the context of the development plan should be the main consideration.</p>			

**Consideration also needs to be given to the length of time this additional consultation will take and to ensure that responses are collated promptly, to ensure no unnecessary delays in the overall planning process.
Minor developments should continue to be dealt with under planning officer delegated powers**

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>Whilst the Union accepts the reasoning behind this proposal, it does have concerns that local authority members do not have the relevant technical training for the role. Concern was also expressed that local authority members may have political involvement with proposed developments within their locality.</p> <p>The pre application process should be strictly technical and be concerned solely on the feasibility of the proposal. Hard copies of the written advice can be circulated to members.</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>The FUW agrees in principal for larger developments. Smaller developments require straightforward technical advice relating to scale and detail of the proposal and compliance with development plans.</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 FUW agrees with the contents of the checklists</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 Union is aware of a number of cases where pre-application advice has been maintained by planning authorities in separate files from the application file and the officer dealing with the application was not even aware of that pre-application advice had been provided.</p> <p>Another case involved the officer dealing with an application contacting the applicant requesting copies of any written advice previously provided by a planning officer, together with sketch plans relating to the proposed development. The officer was unaware of the pre-application advice and was unable to locate the information within the authorities system.</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>The FUW firmly believes that free advice and information should be readily available to individuals and some SME's contemplating relatively minor developments, particularly those that will benefit the economy and community of the area concerned.</p> <p>The Union is aware that at least one authority charges fees for pre-application advice and this means that the majority of applicants do not request advice, which ultimately means increased numbers of refused applications and an increased planning workload.</p>			

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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WG12667-055

4 October 2011

Matthew Griffiths
Planning Improvement Branch,
Planning Division,
Welsh Government,
Cathays Park,
Cardiff CF10 3NQ

Dear Mr Griffiths,

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

Thank you for the opportunity to respond to the consultation dated 29 June 2011.

RICS Wales is the principal body representing professionals employed in the land, property and construction sector and represents some 4000 members divided into 17 professional groups. As part of our Royal Charter we have a commitment to provide advice to the Government of the day and in doing so we have an obligation to bear in mind the public interest as well as the development of the profession.

RICS Wales is supportive in general of the proposals for pre-application discussions, but we have a number of specific recommendations in regard to the questions.

Our detailed response to these consultation questions are 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? (As set out in Section 2, paragraphs 2.1.1 – 2.1.5)

We agree that discussions can be beneficial and approve of the guidance in principle. However we would recommend that its application be flexible to each circumstance in practice.

The availability of experienced officers will be important to the success of the proposals.

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

We agree with the principles. We would like it made clear that the pre application advice must be informed by the Local Development Plan.

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)

We agree that a statement of service should be provided. We also agree with the recommended content. We would though underline the need for proportionality. Larger more complex schemes will require a much greater range of advice and expertise than smaller schemes where the advice is likely to be of a more technical basis.

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 but the advice needs to be clear at each stage of the process in order to avoid unnecessary meetings.

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 we agree with this approach. We recommend that statutory consultees be involved as soon as possible to avoid delays at later stages.

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 we agree with the involvement of local authority members at the pre-application stage. We would say though that where an application meets the aims of the Local Development Plan that any discussion should be on the detail and not on the principle of the application.

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 we agree with the practice advice. However we would strongly suggest a need for time limits by which each stage of the process is to be completed. All statutory consultees must be reminded of the need to be mindful of the Local Development Plan.

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)

We agree with the content. However we would ask for clarity on where the checklists rank in priority compared to other directions including TANs. There is also a need to differentiate between big applications and small ones.

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

We cannot provide specific case studies at present.



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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).

We would like to recommend the following:

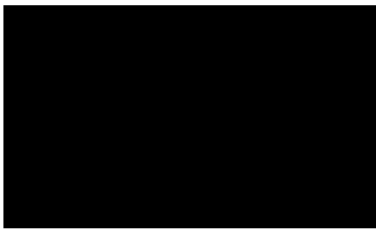
There needs to be an ability to always see a case officer.

There needs to be consideration of how to get all local stakeholders involved in the development of the Local Development Plan before the plan is processed. All stakeholders taking part must have it made clear that once the plan is passed then developments that meet the plan will be agreed in principle, and that any further discussion on subsequent proposals will only be about specific detail. To ensure this consideration needs to be given to funding for a public information campaign as a plan is developed so all potential stakeholders are aware of the implications once the Local Development Plan is approved and finalised.

RICS Wales agrees with the principles of this paper but would request careful monitoring to ensure resources and expertise appropriate to its aims are allocated in support.

If you have any queries in respect of this response please do not hesitate to contact me.

Yours sincerely,



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Via Email: planconsultations-b@wales.gsi.gov.uk

27th September 2011

Dear Madam or Sir,

**Draft Practice Guidance: Realising the potential of pre-application discussions (WG-12667)
- Comments by RenewableUK**

We welcome the opportunity to comment on the draft practice guidance for the potential of pre-application discussions.

RenewableUK is the trade and professional body for the UK wind and marine renewables industries. Formed in 1978, and with over 670 corporate members, RenewableUK is the leading renewable energy trade association in the UK. Wind has been the world's fastest growing renewable energy source for the last seven years, and this trend is expected to continue with falling costs of wind energy and the urgent international need to tackle CO₂ emissions to prevent climate change.

The attached comments contain RenewableUK's concerns and suggestions for how they can be addressed.

Please feel free to contact me on the numbers above, or at [REDACTED]
should you require any additional information.

Yours sincerely

[REDACTED]
Planning Advisor,
RenewableUK

Draft Practice Guidance:
Realising the potential of pre-application discussions –
Comments by RenewableUK

INTRODUCTION

RenewableUK welcomes the publication of the Draft Practice Guidance and is pleased to provide comments to the questions in the consultation document. We believe that early engagement at the pre-application stage helps to identify issues early and create opportunities to resolve them, therefore speeding up the consent process. Early engagement also ensures that developers provide robust, evidence-based assessments of local environmental impacts.

RENEWABLEUK'S RESPONSE TO 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?

Yes, RenewableUK agrees that pre-application discussions are good practice and can be beneficial for the clarity, certainty and transparency of the planning application process. In our view the publication of this guidance is also useful.

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

RenewableUK agrees with the principles in the draft document. In terms of having realistic discussions, we wish to emphasise that pre-applications discussions should occur when there is an element of flexibility left in the project, and when they can influence proposals. Sites appropriate for wind energy generation in particular are selected through a rigorous process of constraints assessment, and therefore in some situations there may only be limited flexibility, for example in terms of turbine siting options within a selected site, as opposed to between alternative sites.

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?

RenewableUK agrees with the principle and suggested content of statements of service. However, we emphasise that financial and staff resources need to be allocated within local authorities for the development of these statements to ensure a timely pre-application process.

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

In our view it is very important for local authorities to take a proportionate approach based on the scale and complexity of the proposal, as stated in the draft guidance. Within the renewables industry and with regard to small wind installations in particular, there is a wealth of examples where inappropriate or unnecessary information is requested from applicants at application stage, which can affect proposal budgets and even deem some smaller projects unviable. Thus it is vital for the information that is requested at pre- and application stage to be determined as early and as clearly as possible, in proportion to the size of a given project.

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

RenewableUK agrees that the community needs to be involved in pre-application consultation. However, it needs to be clear that it is the developer's role to engage with the local community, and the local authority's role is a coordinator and not a leader of the discussions. Additionally, the scale of a proposal determines its effects and therefore the number and type of potentially affected parties. Therefore the proportionate approach should also be the basis of identifying who the relevant stakeholders are, if there are any.

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?

RenewableUK agrees that it can be beneficial to involve local authority members at the pre-application stage. We believe that caution is currently being exercised by developers in early discussions with members, mainly in order to comply with their probity procedures.

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

We agree with the processes and tools outlined in the draft document. The use of multi-disciplinary teams would be helpful, especially with the more complex wind energy proposals where there are a number of issues to be addressed.

In terms of agreeing application information, as stated under Question 4 above, the scale of a given proposal is determinate of the level of information that should be required at the planning application stage.

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?

RenewableUK is in agreement with the content of the two checklists. In particular, it welcomes bullet point 3 of the first checklist (for those seeking advice on development), which refers to promoting the benefits of proposals. Renewable energy, and wind energy projects in particular, often have a number of local community and economic benefits, their size depending on the scale of the project. The renewables industry is keen to make these benefits better known, and considers that the pre-application discussions stage is appropriate for the initiation of such a conversation with local authorities and communities.

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

In terms of our members' positive and negative experiences of current pre-application practice, local authorities have taken very different approaches. Some positive aspects of pre-application discussions include:

- Joint pre-application meetings where more than one local authority is involved
- Joint meetings and sharing of resources with a National Park Authority
- In-house expertise in existence
- Recognising that where in-house expertise is in existence this can be used without the need for undertakings

Some negative experiences include:

- Inconsistency – however we recognise that each local authority will have different resources and approaches
- Lack of guidance on pre-application discussions – hence this draft guidance is welcome
- Lack of staff retention at local authorities – the draft guidance recognises this

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:

Consistency and Clarity

Consistency and clarity of roles between planning authorities and statutory consultees is extremely important for developers. Both should have adequate financial and skill resources to avoid delay and bad decisions.

Record-Keeping of Pre-application Discussions

In terms of record keeping of pre-application discussions, we are of the view that this should lie with the developers and should be summarised in the developers' consultation report. This would give them control over the information that can be subject to Freedom of Information requests from the local authority.

Pre-application Discussions with Welsh Government

RenewableUK is interested in finding out WG's position on pre application discussions with WG itself for common land applications, which are often processed in parallel with planning applications. The industry would be interested in more engagement with WG on such proposals at the pre-application stage, in order to speed up and simplify wind farm planning applications.