



Llywodraeth Cymru
Welsh Government

Pre-application Community Consultation: Best Practice Guidance for Developers

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This best practice guidance note has been produced by Turley on behalf of the Welsh Government.

01 Introduction

1.1 The purpose of this best practice guidance note



On 16 March 2016, key elements of the Planning (Wales) Act 2015 (the Act) were implemented. This included a need for developers to carry out statutory pre-application consultation on planning applications for major developments in Wales. From 1 August 2016 applicants (developers) proposing major development were required to show how they had adhered to the new consultation requirements as part of their planning application submissions.

This best practice guidance note has been prepared for use by developers. It provides high level advice and detail for carrying out consultation on major development schemes. It aims to ensure that the relevant legal and procedural requirements are met, whilst identifying how developers can benefit from carrying out consultation that goes beyond the statutory requirements, by adopting a best practice approach.

This guidance note is a tool to provide helpful tips, useful examples and advice to developers. However, it does not replace careful consideration of all relevant legislation and guidance. This document represents the current considered views of the Welsh Government, but interpretation of the law is ultimately for the Courts.

1.2 Introducing statutory pre-application consultation into the planning process

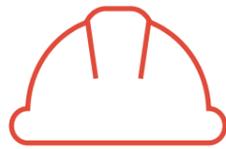


The Welsh Government's evidence gathering process, when preparing the Act, identified that more effort was needed to involve communities in the planning of developments that affect them. Furthermore, that community involvement should occur at a stage when it is meaningful and can influence the scheme, rather than after important decisions have been made.

The public is an essential stakeholder in the planning process. It is important that public views are seen as integral to the process. When done well engagement frontloads the planning process, increases community buy-in, improves the quality of the built environment and creates efficiency and certainty of the planning process for all. To ensure this frontloading and involvement takes place, the Act introduced the need for developers to carry out pre-application consultation on major developments.

02 The statutory pre-application consultation requirements

2.1 Which projects need to carry out pre-application consultation under the Act?



Developers proposing projects comprising 'major development' will need to undertake statutory pre-application consultation under the Act. The definition of major development is set out in [Article 2 of the Town and Country Planning \(Development Management Procedure\) \(Wales\) Order 2012 \(DMPWO\)](#).

The requirement does not apply to proposed applications: under sections 73 (determination of applications to develop land without compliance with conditions previously attached) and 73A (planning permission for development already carried out) of the Town and Country Planning Act 1990; for reserved matters or under section 96A (non-material amendments).

In summary, major development is:

- Housing developments of 10 or more dwellings or where the site area is of 0.5 ha or more (if the number of dwellings is not known);
- The provision of a building(s) where the floorspace created exceeds 1,000 sqm;
- The winning and working of minerals or the use of land for mineral-working deposits;
- Waste development; and
- Development carried out on a site of 1 ha or more.

2.2 What is the statutory pre-application consultation process?



The statutory requirement to consult is imposed by [section 61Z of the Town and Country Planning Act 1990](#). Further provision is contained in [Part 1A of the DMPWO](#). Guidance was also provided by the Welsh Government in the '[New development management procedures](#)' letter issued in February 2016.

These documents set out a number of consultation activities that need to be undertaken by the developer before they can submit the planning application. In summary, they include:

- Making draft planning application documents available to view;
- Notifying the right consultees of the consultation;
- Providing a 28 consultation period; and
- Reporting how the pre-application consultation was undertaken and how people's views were considered in a 'Pre-Application Consultation Report' submitted as part of the application.

To assist developers in complying with the legislation when carrying out the statutory consultation a simple step by step guide is provided on the following page.

Step 1

Establishing the type of development - This will help to establish what documents are required to support the application, the documents are then consulted on. Although not required, it is recommended to obtain an Environmental Impact Assessment screening opinion before undertaking any statutory pre-application consultation. This prevents delay and the risk of re-consulting if additional application documents are required.



Step 2

Make a draft version of the planning application available for the consultation - Developers will need to prepare a full suite of draft planning application documents including the Design and Access Statement, all scaled plans / drawings, information / surveys and technical documents that would be required to validate the planning application.



Step 3

Start 28-day consultation period - A minimum of a 28 day statutory consultation period must be held ahead of submitting the planning application. This will start once:

- Site notices (in English and Welsh) are displayed for public viewing around the application site. The site notice will inform residents of the proposals, the consultation taking place and provide details on how to respond to the consultation - the site notice includes the information set out in Schedule 1B of the '[Publicity and Consultation before Applying for Planning Permission Notice under Articles 2C and 2D](#)' - DMPWO.
- A copy of the site notice has been sent to the owners or occupiers of land adjoining the application site and community consultees.
- The information as set out in [Schedule 1C under Article 2D - Consultation Before Applying for Planning Permission - DMPWO](#) has been sent to the specialist consultees.
- A copy of the draft planning application is made available for public viewing in an accessible place – developers can make this information available online or in a public building, for example a community centre.



Step 4

Prepare a Pre-application Consultation Report - This report is a validation requirement for planning applications and will form part of the final application submission. It will evidence how the developer has carried out the consultation in accordance with the requirements, set out what issues were raised by respondents during the consultation period and how the comments made have been considered when finalising the application.



To assist developers undertaking statutory pre-application consultation, a compliance checklist has been developed and is included as an annex to this guidance note. All of the tasks included within the checklist must be completed in order to meet the requirements set out in the legislation. However, it may be beneficial for the developer to undertake additional consultation activities, as explained in this note.

03 Adding value to pre-application consultation

3.1 Why carry out effective engagement?



Good engagement is more than 'ticking a box'. Every development, no matter the size, can benefit from effective engagement.

Pre-application engagement can occur in many formats. The legislative requirements set out the minimum activity that needs to be undertaken for major development. However, the Welsh Government encourages developers to go further than the minimum to get the most out of the process.

For a community, change to their environment often causes stress, especially when the change is perceived as negative. The challenge is for a developer to consult widely and clearly to capture a balanced and informed response.

When executed well, engagement should increase the level of transparency, develop relationships, and shape the project by considering and responding to feedback. As a result, this should assist in overcoming planning issues and improve planning successes.

When consultation is not executed so well, developers are at risk of reputational damage. Trust is eroded between the developer and the community, sometimes resulting in crisis management. It can also negatively affect the outcome of a planning application.

There are a range of tools, techniques and approaches which enable effective engagement. Not all engagement methods need to be lengthy or expensive. Simply improving the way that the statutory pre-application consultation tasks are carried out can provide a better response than relying on the minimum level of activity required. Some suggested engagement methods and approaches are set out in this note.

3.2 Creating the right approach



Wales has a diverse and rich fabric of communities spanning the country. A 'one size fits all' approach will therefore not gain the most from consultation. In order to effectively engage, firstly the developer must understand the community and develop a bespoke and appropriate consultation strategy.

The primary aim of developing a consultation strategy is to ensure that the activities have a clear purpose, involve the right people and groups at the right time, and allows consultees to play a positive part in the project development. It can also help to ensure that the statutory requirements have been satisfied.

Formulating a consultation strategy

When formulating a consultation strategy, it is recommended to consider the following questions to help develop an appropriate and proportionate approach that will gain the most value from the consultation.

Q1. How significant is the scheme and what is the perceived level of community interest?

This will help determine whether the approach should go further than the minimum requirements.

Q2. When is the right time to consult?

For larger schemes it may be beneficial to hold an earlier 'non-statutory' round of consultation, followed later by the statutory consultation.

Q3. What is the community make-up and how can I engage with the whole community?

An understanding of local demographics, including the proportion of Welsh speaking residents, will help to identify the most appropriate way of engaging with the whole community.

Q4. Who do I need to consult?

The legislation requires developers to consult with a number of statutory consultees. However, are there any additional non-statutory groups who would add benefit to the project development through engagement?

Q5. What tools and techniques can be added to the statutory requirements to gain more value through the consultation process?

Methods can range from additional awareness raising activities, to digital tools, to public events.

Q6. How will comments be recorded, reported and considered?

It is good practice to develop a system to respond to comments and establish how they will be recorded. This will feed into the Pre-Application Consultation Report.

This guidance note provides more detail regarding the above questions to help developers establish the right approach for consulting on their scheme.

It is beneficial for developers to share their consultation strategy with the relevant Local Planning Authority (LPA) and Community Council. They may suggest additional consultation activities and consultees to be engaged with that is appropriate for the scheme.

3.3 How much consultation to carry out and when



How significant is the scheme?

Answering this question will help determine whether the consultation strategy should go further than the minimum requirements. The developer should consider:

- What perceived impact the proposed scheme will have on the community?
- How far reaching the impacts of the scheme will be – will it have an impact upon surrounding areas?
- Could the scheme be controversial?
- Will it bring significant benefits to the local area?

Projects that are likely to have a minor level of impact and result in little change to people's surroundings may only require the minimum consultation activities. Those that have a larger, wider impact will benefit from additional activities as detailed in this note.

When to consult?

Creating a consultation timeline of activities at the start of the project will help to deliver the non-statutory and statutory engagement activities at the right time. It can also help to ensure that the statutory requirements are met.

For larger schemes it may be beneficial to hold a round of 'non-statutory' consultation before commencing the statutory consultation process. Often there are milestones early on in the development of a scheme where seeking comments would allow the community to have more influence in shaping the scheme.

Multi-phased consultation approach

For significantly sized schemes, such as large residential developments, major retail and leisure proposals and infrastructure projects, it can be highly beneficial to hold a multi-phased consultation approach. This early and phased engagement can build community buy-in and reduce objections during the determination period.

Single phased consultation approach

For smaller schemes a single phased consultation approach may be more appropriate. However, developers can still carry out additional activities outside of the statutory requirements.

Availability of information

Developers will need to plan for when the statutory consultation can begin. This is reliant on the availability of the draft application documents. As part of the statutory consultation a full suite of planning application documents is required for consultees to view and comment on.

The statutory consultation cannot begin until the draft application documents are available. Technical information for these documents will be ready at different times, for example certain ecological surveys have to be carried out at specific times of the year, which could delay when the full suite of documents will be ready.

It is important to note that the application documents are prepared in draft and are not the final documents. However, the documents do need to provide enough information to enable consultees to make an informed response. One test to know when the application documents are ready for consultation is; 'Does the draft information provided give a reasonable understanding of the whole project?', if the answer to this is yes, then the project is ready to be consulted on.

Case study: South-west Wales regeneration project - Multi-phased consultation



As part of the pre-application process for a regeneration project including major shopping, leisure, employment and housing facilities, extensive consultation was carried out to ensure the plans met the community's aspirations.

The first phase of consultation (non-statutory) took place during autumn 2015, followed by the second phase (statutory) in spring 2017. Consultation activities included the provision of a project website, meetings with local stakeholders and interest groups, a 3-day public exhibition and more.

The application was submitted, then validated in March 2017 and subsequently approved in June 2017 (within 12 weeks).

The consultation was able to address and reduce the number of representations as the process progressed, as shown below:

- The first phase of consultation (non-statutory) saw more than 3,500 people participate and 293 consultation responses were received.
- The second phase of consultation (statutory) saw more than 2,500 people participate and 48 consultation responses were received.
- Post submission, the LPA's formal consultation received 18 responses (including responses from technical consultees).

This case study demonstrates that by engaging in a phased consultation process, a developer can address and reduce the number of issues raised over time. In turn, this can reduce the number of representations made during the determination period and also the time taken to determine an application.

“Early and phased engagement can build community buy-in and reduce objections during the determination period”

3.4 Understanding the community



All members of the community should be given the opportunity to have their say.

Decisions are often made based upon responses received. Therefore, thought must be given on how to engage with those in the community who do not traditionally respond to consultations in order to provide a balanced view. This can be done by using a range of awareness raising and engaging activities to reach different groups of people.

Developers need to understand the local community to engage appropriately and effectively. Information on local demographics can be sourced from Census data and through discussions with the LPA and Community Councils.

One unique feature that differs across communities in Wales is the use of the Welsh language. Over half a million people in Wales speak Welsh (around 20% of the population) and in certain areas, there will be a higher expectation for developers to provide information in Welsh beyond the minimum requirements. Developers should always be prepared to receive consultation responses in Welsh.

Case study – Retail and leisure development, north-west Wales – Availability of Welsh consultation materials



The developer was promoting two new food stores and a hotel. The statutory consultation activities were followed and the requisite awareness raising materials were provided in English and Welsh.

The community felt that the developer did not go far enough and a news article was published noting that the developer had not 'respected' the Welsh language, potentially damaging the relationship between the community and the developer.

At the start of the consultation period the developer was asked by a member of the community to provide the website and draft application documents in Welsh. This request was actioned and the developer provided a Welsh version of the website. The application documents were provided in English only due to the amount of technical information provided.

Although it was not a requirement, this issue could have been avoided had additional materials and the website been provided in Welsh from the outset.

“Developers need to understand the local community to engage appropriately and effectively”

3.5 Who to consult



As part of the statutory pre-application requirements, developers are required to consult with three groups:

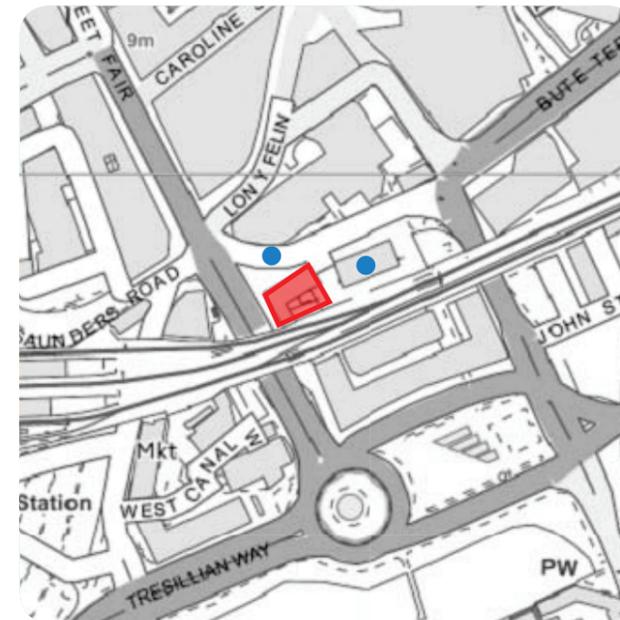
- Adjoining owners and occupiers to the application site;
- Community consultees; and
- Specialist consultees.

Notifying owners and occupiers

Developers must publicise the consultation to bring it to the attention of people who own or occupy premises adjoining the application. Developers may wish to consider the benefits of maximising publicity. For example the map below shows the land adjoining an application site, this includes only two properties.

To ensure that all of those within the vicinity of the site are made aware of the consultation, the developer can extend the consultation area further, as shown on the image below. This area includes 66 properties allowing the consultation to have a wider reach.

For larger / more significant schemes a broader consultation area can be drawn to be proportionate to the potential impact of the scheme.



▲ Adjoining properties



▼ A wider consultation area

Working with community consultees

Community consultees comprise each Community Council in whose area the proposed development would be situated; and each Councillor (local Member) representing an electoral ward in which the proposed development would be situated. They are informed of the statutory consultation via a letter and/or email.

Local Councillors and Community Councils are a rich source of local information and can provide advice regarding the best way to engage with the local community. Many Councillors and Community Councils often expect to have direct engagement and to meet with the developer as part of the consultation process.

It is beneficial to engage with, and listen to, the community consultees to understand their expectations on how to engage with the local community and gather their views on the development.

Case study – New dwellings and church, mid Wales - Engaging with Community Councils



The developer undertook the consultation on the proposed new dwellings and church in line with the statutory requirements, as well as carrying out additional activities, including meeting with the Community Council. However, when the application was submitted the Community Council submitted concerns to the LPA with regards to the community consultation process.

The Community Council noted that the developer did not respond to their questions and failed to advertise a community exhibition (as agreed at the meeting). They felt that additional residents, to those that were informed, should have been made aware of the consultation.

As best practice developers should engage with, and listen to, the community consultees and positively respond to suggestions made. This will help to build good community links and trust with the community consultees.

Consulting specialist consultees

Developers must consult with 'specialist consultees'. Details of who these are and when they must be consulted, are set out in [Schedule 4 of the DMPWO](#).

The relevant specialist consultees are decided through development description tests. Annex 2 of this note includes a table and a series of tests which can be used to help decide which specialist consultees are relevant for individual projects.

Specialist consultees have a duty to respond to consultations where the application falls within their remit under Schedule 4. Obtaining a response from specialist consultees in advance of submitting a planning application can have great advantages in terms of project certainty and likelihood of planning success. Where a specialist consultee has not responded to the consultation, the developer should follow up and try to gain this valuable response ahead of finalising the project. This can help prevent delays during the determination period.

Identifying non-statutory consultees

The developer may identify additional, valuable consultees that are not within Schedule 4. Developers are encouraged to consult widely and there is no limit to how many people with whom the developer can consult.

Engaging with Local Planning Authorities

[The Town and County Planning \(Pre-Application Services\) \(Wales\) Regulations 2016](#) requires all LPAs in Wales to provide a statutory pre-application service. The pre-application advice will provide a written response that identifies relevant planning policy and any other considerations against which a proposal would be considered should a planning application be submitted. For more information contact the relevant LPA.

Case study – Design evolution through effective stakeholder engagement



The Design Commission for Wales (DCFW) were consulted by the developer at an early stage in the development of a proposal for a new footbridge to provide a better, safer and more direct connection from the settlement of Llanfoist to Abergavenny town centre. Whilst the proposal would have been a positive addition to active travel network, the design was heavily engineered in response to the site constraints.

An initial design review by DCFW with the developer and design team prompted a more holistic approach that responded more positively to the heritage context, landscape and topography of the site.

The scheme returned for a second review and the more design-led approach had greatly improved the proposal. A clearer analysis and response to the constraints and opportunities led to a proposal which is more refined and fitting for its context, represents a good value to the built environment.

3.6 Value adding consultation tools and techniques



Value can often be added to the statutory consultation process by undertaking additional consultation activities. Some recommendations are made in this section, however this is not an exhaustive list and developers have the freedom to carry out activities that they feel are appropriate for their scheme and community.

It is important to recognise that not everyone consulted will choose to take part. The developer may receive objections to the scheme, and some people may criticise how the local community have been engaged. However, the developer should not hide away from the community and hope the application will go unnoticed. This approach runs the risk of a higher number of community responses (and objections) to the LPA after the application has been submitted, leading to delays during the determination period and reducing the likelihood of planning success.

The silent majority

For the vast majority of consultees, the developer simply providing project information to view is sufficient for their interest. Consultees may choose to view the information, but decide against providing a response. This group are often referred to as the 'silent majority'. This can be seen when consultation websites receive a large number of hits/views, but only a small number of people feel strongly enough about the project to leave any comments. The silent majority should be recognised as part of the process. The developer should make it as easy as possible for people to respond to the consultation to gain a response from the majority, not the minority.

Making the process clear

The public is invited to make comments on the application at both the pre-application stage (by the developer) and the post-validation stage (by the LPA). It is important that the public understand the difference and their role at each point of the process. The onus is on the developer to make it clear in the pre-application phase that consultees are to respond to the developer, not the LPA.

Furthermore, once an application has been submitted to the LPA it is more difficult to make further changes to the application. As such the public must be informed that to have the best opportunity of influencing a project they should take part in the developer's pre-application consultation.

Awareness raising

Where awareness of the consultation is raised well, this will increase participation and response during the pre-application stage and can reduce objections raised post submission.

Earlier in this note it was identified that awareness can be raised by widening the consultation area beyond the adjoining neighbours. Following this approach, the display of site notices need not be restricted to the site's boundary and can be displayed more widely to further raise awareness.

In addition to the statutory requirements other 'non-statutory' techniques are recommended to raise awareness such as, distributing leaflets, displaying information in community magazines, on notice boards, as well as proactive media relations, such as issuing a press release to local news desks.

Case study – Food store, south Wales – Using engaging materials to gain a better response



When progressing a food store application in South Wales, the developer wanted to raise a wide awareness of the scheme and circulated a graphically designed, attractive leaflet to the local community.

This leaflet provided information regarding the retailer, the proposed plans, layout, design, job creation, next-steps and contact details. A pre-paid postcard was also included as part of the leaflet for people to complete and return their comments free of charge.

230 responses were received, many of which supported the plans. Following this, the developer undertook the statutory consultation using the required forms of awareness raising, i.e. the site notice and letters. Only one response was received to the statutory consultation.

Both the statutory and non-statutory consultations were reported in the Pre-Application Consultation Report and community support letters were received during the determination period of the planning application.

This case study shows that providing user friendly, engaging materials that are widely distributed, as well as making it easy for people to respond, can gain a larger, more positive response.

Using existing communications

Developers can make use of existing communication channels to raise awareness and engage with the local community. These are beneficial as the community will already be engaging in these areas. These can often be free to use and information can be spread widely and quickly.

For example there may be a local residents group that meets regularly, which the developer can request to attend one of their meetings. Other useful tools include existing digital channels, local newsletters/magazines, community specific websites, Twitter feeds and Facebook pages, which can sometimes be followed by thousands of local residents. Often those running these sites/forums will be happy to place a link to the consultation website on them to inform their followers of the consultation. This tool can be wide reaching and encourage a contribution from those who would not normally engage, as well as being free of charge.

Engaging materials

Well designed and drafted consultation materials can encourage a greater number of people to engage in the process and in turn gain a better more balanced response.

The developer may consider the reader of the consultation materials and use plain language, avoid acronyms and make information easy to understand. The challenge is to help the public understand why the proposal is coming forward and visualise what will happen if the application is approved. This prevents surprises for the community later on.

Site notice

Developers are required as part of the statutory consultation to display and distribute a site notice. The site notice must contain the information set out in the legislation and Schedule 1B of the 'Publicity and Consultation before Applying for Planning Permission Notice under Articles 2C and 2D' - DMPWO. An English and Welsh language version must be provided.

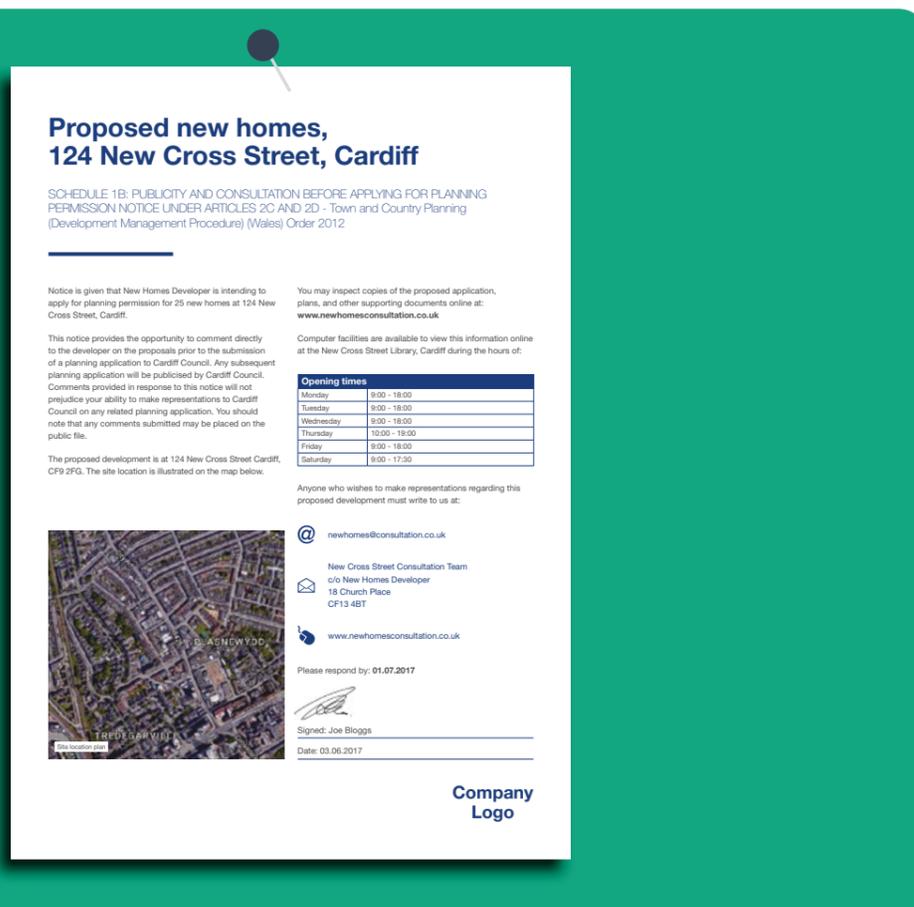
The developer has the freedom to display this information as they see fit. The site notice can be graphically designed to be eye catching, provide company logos and a site location plan to assist the viewer in understanding where the site is. An example is provided below.

The site notice is issued directly to adjoining site neighbours and community consultees. It is advised to provide a cover letter with the site notice to provide context as to why they have received the site notice and the purpose of it. It is beneficial to provide this letter in both the English and Welsh language.

To notify specialist consultees, the developer must issue the information set out in Schedule 1C of Article 2D - Consultation Before Applying for Planning Permission - DMPWO. This must be provided in English and Welsh.

It is good practice to also provide the specialist consultees with a copy of the site notice.

▼ Site notice example



▲ Consultation website example

Displaying application documents

As part of the statutory consultation requirements developers are required to consult on a draft version of all of the planning application documents. It is acknowledged that elements of the application documents need to be technically worded by nature. However, it may be useful to provide non-technical summaries to assist the reader.

Furthermore, if the materials are being displayed on a website, it may be useful to provide document introductions so that the viewer can understand the purpose of each document and decide whether it is relevant to them to download and read.

An example of an easy to read consultation website, with document introductions is provided above.

Meeting the community

Carrying out 'face-to-face' engagement with the community is a traditional and effective method of consultation. This includes presentations, public exhibitions, drop-in events, stakeholder/landowner workshops, community liaison groups, specialist advisory panels and so on.

It can sometimes be difficult for people to understand a scheme based on the application information provided on the consultation website. People will often have questions, or find the information difficult to interpret without some direction. It can therefore be beneficial to hold an event where people can ask questions. Importantly, this approach also gives the developer the opportunity to explain why they are progressing with the proposals and how the community can benefit from the scheme.

This form of engagement allows in-depth discussions of issues and resolution of problems, and the ability to capture good quality qualitative information. For many schemes, holding face-to-face events are beneficial.

Digital tools

The increased use of digital media is changing the way people connect and co-operate in the broader societal context, at work and in the community. There is a high expectation for information to be available online and digital tools for engagement are becoming more effective. One of the advantages of the statutory pre-application consultation requirements is that developers are encouraged to host a project website for people to view the consultation materials.

It is important to have an easy to use, smartphone compatible website which is project specific. Purchasing a unique domain name that relates only to the project is useful. Where developers use links to their own company websites to hold the consultation materials can make it difficult for viewers to find the project information they are looking for.

Using digital tools such as websites, microsites, and social media reaches a wider spectrum of the community and allows people to share information. Digital tools should be considered as part of the consultation approach. However, it is important that they are not completely relied upon. A combination of digital tools and face-to-face activities will provide the most effective way to engage with the whole community.

In addition to using digital formats to provide information, developers can benefit from monitoring social media. This is a handy tool for gaining an insight into local discussions that are happening. Monitoring hash tags and word frequency can help to do this. The conversations held on these forums can be captured and recorded in the Pre-application Consultation Report (PAC Report).

Social media and press attention

It is advised that the developer is aware of, and prepared for, social media and press attention. This could be positive or negative based on the perceived impact of the development on the local community and how effectively the developer is engaging with the community. Developers can be proactive in talking to the press and prepare press releases to launch the project into the media in a controlled manner.

For some projects communities have used 'internet activism' to lobby against a scheme. Groups use online communications such as social media, to enable faster and more effective communication within the community to create campaigns. These are often picked up in the press.

In this situation it is important that the developer remains transparent and provides information for the community. When developers ignore questions, or do not provide clear information, this can have a damaging impact upon the reputation of the developer, and the success of the planning application.

3.7 Recording, responding and reporting



Listening and responding

Under the legislation developers are required to provide a summary of all issues raised in response to the statutory consultation and show how the responses have been addressed.

Every comment received should be recorded and considered to identify the issues. Where respondents raise more than one issue, each issue should be considered separately.

Wherever possible, comments and suggestions will feed into the final plans. However, it is important to note that some community concerns will not always be overcome through the consultation exercise and that sometimes people have contradictory views. Where changes have not been made based on the feedback received, justification needs to be provided within the PAC Report.

Genuinely listening to comments raised and, where possible, revising the proposals based on the feedback received not only forms a scheme that has been shaped by the local community, it can also help to reduce objections and raise support for the plans.

Case study – Former Pub, south-east Wales – Community influenced project



Proposing the demolition of a former pub to be developed into housing, the developer undertook a series of consultation activities over a multi-phased consultation period. This included: stakeholder meetings, a design workshop – (attended by neighbouring residents and community representatives), a public exhibition, a number of awareness raising techniques (advertising in the press, newsletters etc.) and the statutory consultation. Through the three-phased consultation (two non-statutory rounds and one statutory consultation round), the developer was able to overcome issues raised and amended the scheme to provide a proposal that was acceptable to the community.

The community feedback was that they would like the design of the new development to be in keeping with the local area for example; using similar materials; retaining a similar height to neighbouring properties; and no balconies or dormer windows on the street side to address concerns about overlooking. A need for family homes in the area was also highlighted. The scheme was changed from 24 apartments to 10 family homes with a revised design.

As a result, only one community objection was submitted during the determination period and the application was approved.

Late responses

Under the statutory consultation requirements developers must consult for a minimum of 28 days. However, developers have the flexibility to consider a longer period if they feel it is appropriate or if they are asked to extend the consultation period by consultees.

There is no explicit requirement for developers to consider representations that are received after the end of the consultation period. However, it is good practice to consider and include late responses the PAC Report.

The importance of evidence

The importance of the PAC Report cannot be underestimated. The PAC Report provides a comprehensive picture of the consultation undertaken and will establish how the developer has complied with the statutory pre-application consultation requirements.

When developing the consultation approach, the developer should consider how responses will be recorded along with details of subsequent actions and reasons for the changes / no change made to the project in response to comments made. This includes recording meetings, discussions, and consultation responses (statutory and non-statutory). It is essential that consultation responses from any source are not misplaced, especially where a large number of responses are expected from the consultation process.

Data protection needs to be considered and details of the persons, such as individual names of consultees should be left out (businesses or professional representatives can be included). Any personal information will need to be redacted in the PAC Report and the developers need to ensure they safely store personal data.

When a PAC Report is well structured and demonstrates in a clear and logical way how the legislation has been followed, it is less likely that problems will be encountered as part of the validation process. Furthermore, it is important to show the non-statutory consultations undertaken to give a full picture.

Further guidance on what is required in the PAC Report is provided by the Welsh Government in Annex 1 of the '[New development management procedures](#)' letter issued in February 2016.

Feeding back

It may be helpful to the community for the developer to provide feedback on what comments were made during the pre-application consultation and any changes made to the scheme as a result of these comments. Feeding back to the community may include circulating a newsletter, updating the project website, sending out a press release and meeting with the local Councillors and the Community Council to provide them with an update to be filtered down to the community. In addition to this it is useful to continue communications post submission of the application and through into construction.

04 Conclusion

4.1 Reflecting on the process



Engagement is a two way process, by introducing the statutory pre-application consultation requirements under the Act, the Welsh Government encourages developers and communities to work together to create successful developments across Wales.

This guidance note provides information and advice to help guide developers to get the most from the pre-application consultation process, whilst, most importantly, meeting their statutory obligations.

As set out in this note, there are a number of challenges and opportunities to achieving successful consultation and engagement. By delivering best practice consultation strategies will enable the community to take part in the process, assist in overcoming planning issues and improve planning successes.

When done well good engagement will:

-  Raise awareness and build an understanding
-  Meet the statutory requirements
-  Be proportionate to the scheme
-  Be clear and concise
-  Have a purpose
-  Be effective and add value
-  Be timely and meaningful
-  Be inclusive to the whole community

Annex 1:

Compliance checklist

The compliance checklist can be used to help ensure that the developer has complied with each of the following:

- Section 61Z of the Town and Country Planning Act 1990 which introduces the requirement to carry out pre-application consultation; and
- DMPWO Part 1A 'Requirement to carry out pre-application consultation 2B'.

All the tasks on the checklist must be completed in order to meet the requirements. For ease of use the checklist is broken down into simple sections.

Tasks		
Identifying the statutory consultees		
Owners and occupiers	<p>The developer must send a copy of the site notice in writing to any owner or occupier of any land adjoining the land to which the proposed application relates and address the letter to 'the owner and/or occupier'.</p> <p>Developers may wish to consider the benefits of maximising publicity at pre-application stage.</p>	<p>Have all of the owners and occupiers been identified and consulted with? <input type="checkbox"/></p> <p>Was the letter containing the site notice addressed to 'the owner and/or occupier'. <input type="checkbox"/></p>
Community consultees	<p>Developers are required to inform:</p> <ul style="list-style-type: none"> Each community council (this includes both town and community councils) in whose area the proposed development would be situated; and/or Each councillor (local member) representing an electoral ward in which proposed development would be situated. <p>If the proposed development is located in an area where more than one town or community council operates, both should be notified.</p> <p>If the proposed development straddles a number of electoral wards, all local councillors within those wards will need to be notified.</p> <p>The community consultees will be notified via letter containing the same information as provided in the site notice (see below for details on the site notice).</p>	<p>Have all of the community consultees been identified and consulted with? <input type="checkbox"/></p>
Specialist consultees	<p>Developers are required to inform specialist consultees of the development proposals.</p> <p>Details of the specialist consultees and when they should be consulted are set out in Schedule 4 to the DMPWO – see Annex 2 of this note.</p> <p>The specialist consultees will be notified via letter containing the information provided in Schedule 1C (see below for details on the site notice and Schedule 1C).</p>	<p>Have all of the specialist consultees been identified and consulted with? <input type="checkbox"/></p>

Tasks		
Raising awareness of the statutory consultation		
Site notice – Schedule 1B	<p>Information required in the site notice</p> <p>The site notice must contain the information set out in 'Schedule 1B: Publicity and Consultation before Applying for Planning Permission Notice under Articles 2C and 2D' - DMPWO.</p> <p>An English and Welsh language version of the site notice must be provided.</p> <p>Displaying the site notice</p> <p>The site notice must be displayed in at least one place on or near the land to which the proposed application is.</p> <p>The site notice must be easily visible and legible by members of the public.</p> <p>The site notice must be displayed for no less than 28 days.</p> <p>Providing developers have taken reasonable steps to protect the site notice and, if needs be, replace it if it is removed, obscured or defaced before the end of the 28 day publicity period, then the developer will be considered to have complied with their statutory duties.</p>	<p>Information required in the site notice</p> <p>The site notice has been created containing the information from Schedule 1B. <input type="checkbox"/></p> <p>An English and Welsh language version has been provided. <input type="checkbox"/></p> <p>Displaying the site notice</p> <p>The site notice was displayed in one or more locations near the site. <input type="checkbox"/></p> <p>The site notice is easily visible and legible by members of the public. <input type="checkbox"/></p> <p>The site notice was displayed for no less than 28 days. <input type="checkbox"/></p> <p>The site notice did / did not require replacing. <input type="checkbox"/></p>
Schedule 1C	<p>The developer must give the relevant specialist consultees notice in writing of the proposed application. The letter must contain the information set out in the notice Schedule 1C under Article 2D - Consultation Before Applying for Planning Permission - DMPWO.</p> <p>The developer must enclose each of the draft application documents (see details below) with the notification or provide a link to a website on which those documents can be found.</p> <p>N.B. The developer is encouraged to provide specialist consultees with this information electronically (i.e. an email) and in cases when information is posted to statutory consultees, developers should consider using recorded delivery.</p>	<p>The specialist consultees have been provided notice in writing of the proposed application. <input type="checkbox"/></p> <p>The letter/notice contained the information set out in the notice in Schedule 1C. <input type="checkbox"/></p> <p>The specialist consultees have been provided with a link to / hard copy of the draft application documents. <input type="checkbox"/></p>
Consultation period		
Consultation period	The developer must consult for a minimum of 28 days.	The consultation period ran for a minimum of 28 days. <input type="checkbox"/>

Tasks		
Consultation materials		
Application documents	<p>Developers must make the following information available for inspection at a location in the vicinity of the site or online for no less than 28 days (beginning when the site notices are erected):</p> <ul style="list-style-type: none"> All information that would be required to be submitted as part of a formal planning application. This includes all the information on the relevant planning application form, except the ownership certificates. Scaled plans, with north arrow, to identify the land to which the application relates. Design and Access Statement. Any information that would be needed in order to comply with any local validation requirements of the relevant local planning authority. 	<p>All draft planning application documents were provided as described.</p> <input type="checkbox"/>
Viewing consultation materials	<p>The site notice is required to specify a location where the draft application documents can be viewed. Documents can be made available in hard copy or online.</p> <p>In cases where the developer has made the relevant information available on a website, the location for public viewing can be a library or other public building where computer facilities are made available to the general public.</p> <p>If the developer has not made the relevant information available on a website then a hard copy needs to be made available. Public buildings such as libraries, community centres and leisure centres would be appropriate.</p> <p>The developer has flexibility on the choice of venue but it should, as a minimum, allow the public access during normal working hours for the full 28 day notification period.</p>	<p>All draft planning application documents were available to view online/in a community building for at least 28 days.</p> <input type="checkbox"/>
Making representations		
Contact details	<p>The developer must set out how they can be contacted by persons wishing to comment on the proposed development i.e. a postal address or a email address.</p>	<p>Contact details were provided on the relevant notices.</p> <input type="checkbox"/>

Tasks		
Reporting		
Pre-Application Consultation Report	<p>The developer must submit a Pre-Application Consultation Report (PAC Report) in order for the planning application to be validated.</p> <p>The developer has flexibility to determine the most effective way to present the pre-application community consultation report providing it contains:</p> <ul style="list-style-type: none"> A copy of the site notice. A declaration that the site notice was displayed in accordance with the statutory requirements, i.e. in at least one place on or near the development site for no less than 28 days. A copy of the notice given to owners and occupiers of adjoining land, and a list of those persons. Copies of all notices provided to councillors, town and community councils, and specialist consultees. A summary of all issues raised in response to the statutory publicity and confirm whether the issues raised have been addressed and, if so, how they have been addressed. Copies of all responses received from specialist consultees with an explanation of how each response has been addressed by the developer. Under relevant data protection legislation the addresses and other contact information of private individuals must be redacted in the PAC Report before it is submitted. If developers undertake publicity or consultation that exceeds the minimum statutory requirements, they are encouraged to report the outcome of this pre-application engagement in the PAC report. 	<p>A PAC Report has been submitted as part of the application. <input type="checkbox"/></p> <p>The PAC Report contains:</p> <ul style="list-style-type: none"> A copy of the site notice. <input type="checkbox"/> A declaration that the site notice was displayed in accordance with the statutory requirements. <input type="checkbox"/> A copy of the notices given to owners and occupiers, councillors, town and community councils, and specialist consultees. <input type="checkbox"/> A summary of all issues raised and how they have been addressed. <input type="checkbox"/> Copies of all responses received from specialist consultees with an explanation they have been addressed. <input type="checkbox"/> Redacted contact information. <input type="checkbox"/> Non-statutory consultation. <input type="checkbox"/>

Annex 2: Identifying specialist consultees

Developers must consult with 'specialist consultees' who comprise the list of consultees in Schedule 4 of the DMPWO.

Whether a specific consultee needs to be consulted depends on whether the proposed development falls within the relevant category in the second column of the table in Schedule 4.

In order to decide which specialist consultees the developer must consult with, they can answer the question 'Is there a need to consult' in the table overleaf against each stated description of development. Where the answer is yes the consultee should be added to the list. Where the answer is no, that consultee does not need to be added to the list in this case. If the developer is unsure it is advised to include the consultee as a cautionary approach.

If the developer has identified additional consultees they would like to consult with, these can be added to the table.

Once the table is complete the list of specialist consultees will have been produced.

Para	Description of Development	Consultee	Is there a need to consult?	Identified Consultee
(a)	Development likely to affect land in the area of another local planning authority	The local planning authority concerned		
(b)	Development, in relation to which an application for planning permission has been made to the Welsh Ministers under section 293A of the 1990 Act(1) (urgent Crown development: application), where that development is likely to affect land in the area of a community council	The community council		
(c)	Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances (otherwise than on a relevant nuclear site) and which involves the provision of— (i) residential accommodation; (ii) more than 250 square metres of retail floor space; (iii) more than 500 square metres of office floor space; or (iv) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Health and Safety Executive		
(d)	Development within an area which has been notified to the local planning authority by the Office for Nuclear Regulation for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a relevant nuclear site and which involves the provision of— (i) residential accommodation; (ii) more than 250 square metres of retail floor space; (iii) more than 500 square metres of office floor space; or (iv) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Office for Nuclear Regulation		
(e)	Development likely to result in a material increase in the volume or a material change in the character of traffic— (i) entering or leaving a trunk road; or (ii) using a level crossing over a railway	The Welsh Ministers The operator of the network which includes or consists of the railway in question, and the Welsh Ministers		
(f)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway	The local highway authority concerned		
(g)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned		
(h)	Development involving— (i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or (ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force	The local highway authority concerned The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire		
(i)	Development which consists of or includes the laying out or construction of a new street	The local highway authority		
(j)	Development, other than householder development, within an area which has been notified for the purpose of this provision to the local planning authority by the Coal Authority because of the presence of land instability risks from coal mining	The Coal Authority		

Para	Description of Development	Consultee	Is there a need to consult?	Identified Consultee
(k)	Development involving or including mining operations	The Natural Resources Body for Wales		
(l)	(i) Development which has a direct physical impact on a scheduled monument. (ii) Development likely to be visible from a scheduled monument and which meets one of the following criteria-- a) it is within a distance of 0.5 kilometres from any point of the perimeter of a scheduled monument; b) it is within a distance of 1 kilometre from the perimeter of a scheduled monument and is 15 metres or more in height, or has an area of 0.2 hectares or more; c) it is within a distance of 2 kilometres from the perimeter of a scheduled monument and is 50 metres or more in height, or has an area of 0.5 hectares or more; d) it is within a distance of 3 kilometres from the perimeter of a scheduled monument and is 75 metres or more in height, or has an area of 1 hectare or more; or e) it is within a distance of 5 kilometres from the perimeter of a scheduled monument and is 100 metres or more in height, or has an area of 1 hectare or more. (iii) Development likely to affect the site of a registered historic park or garden or its setting; (iv) Development within a registered historic landscape that requires an Environmental Impact Assessment; or (v) Development likely to have an impact on the outstanding universal value of a World Heritage Site	The Welsh Ministers		
(m)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The Natural Resources Body for Wales		
(n)	Development for the purpose of refining or storing mineral oils and their derivatives	The Natural Resources Body for Wales		
(o)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pump houses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling houses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	The Natural Resources Body for Wales		
(p)	Development relating to the use of land as a cemetery	The Natural Resources Body for Wales The water and sewerage undertaker concerned		
(q)	Development— (i) in or likely to affect a site of special scientific interest; or (ii) within an area which has been notified to the local planning authority by the Natural Resources Body for Wales and which is within two kilometres, of a site of special scientific interest, of which notification has been given, or has effect as if given, to the local planning authority by the Natural Resources Body for Wales, in accordance with section 28 of the Wildlife and Countryside Act 1981 (sites of special scientific interest) as applied in Wales by section 27AA of that Act(1)	The Natural Resources Body for Wales		
(r)	Development involving – (i) any land on which there is a theatre; (ii) residential development (excluding householder development) within 50 metres of a theatre (not falling within paragraph (i)); or (iii) a proposed theatre.	The Theatres Trust		

Para	Description of Development	Consultee	Is there a need to consult?	Identified Consultee
(s)	Development which is not for agricultural purposes, is not in accordance with the provisions of a development plan and involves— (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or (ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more	The Welsh Ministers		
(t)	Development within 250 metres of land which— (i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and (ii) has been notified to the local planning authority by the Natural Resources Body for Wales for the purposes of this provision	The Natural Resources Body for Wales		
(u)	Development which— (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or (ii) is on land which has been: (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface	The Sports Council for Wales (2)		
(v)	Development likely to affect— (i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the Canal & River Trust; or (ii) any canal feeder channel, watercourse, let off or culvert, which is within an area which has been notified for the purposes of this provision to the local planning authority by the Canal & River Trust	The Canal & River Trust		

Para	Description of Development	Consultee	Is there a need to consult?	Identified Consultee
(w)	Development— (i) involving the siting of new establishments; (ii) consisting of modifications to existing establishments covered by Article 11 of Directive 2012/18/EU(1); or (iii) which is new, including transport routes, locations of public use and residential areas in the vicinity of existing establishments, where the siting or development may be the source of or increase the risk or consequences of a major accident	The control of major accident hazards competent authority, and in relation to development falling within paragraph (iii), any person who is, according to the register held by the hazardous substances authority under regulation 22 of the Planning (Hazardous Substances) (Wales) Regulations 2015(2), the person who is in control of the land on which any existing establishment in question is located		
(x)	Development— (i) on land designated as Flood Zone C2; (ii) involving or including emergency services development or highly vulnerable development on land designated as Flood Zone C1 or on land that has been notified to the local planning authority by the Natural Resources Body for Wales for the purpose of this provision.	The Natural Resources Body for Wales		
(y)	Development— (i) involving new residential development (including single units); and (ii) which is major development not falling within paragraph (i).	The water and sewerage undertaker concerned		
(z)	Development— (i) involving waste development; (ii) involving the provision of dwellinghouses where either the number of dwellinghouses to be provided is 10 or more or the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the number of dwellinghouses to be provided is 10 or more; (iii) involving the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; (iv) carried out on a site having an area of 1 hectare or more; (v) involving the provision of 10 or more flats (whether by increasing the number of flats within an existing building or otherwise); (vi) involving the provision of residential accommodation of 10 or more rooms, not contained in dwellinghouses or flats, which are not solely used for cooking purposes and are not toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms; or (vii) involving the provision of residential accommodation of 10 or more rooms contained in a dwellinghouse or flat used as a house in multiple occupation, which are not solely used for cooking purposes and are not toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.	The Fire and Rescue Authority concerned		
	Add any additional consultees identified	e.g. historic interest group, local environmental group etc		

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