

Report to: **Hub Committee**

Date: **28 January 2020**

Title: **Pre-Application process**

Portfolio Area: **Environment**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **N**

Date next steps can be taken: **After Council on 18 February 2020**

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Recommendations:

1. That the Hub Committee RECOMMEND to Council that the Pre-Application process as detailed in Appendix 1 be approved.

1. Executive summary

- 1.1 Following approval by the Hub Committee held on 24 April 2018 (Minute Ref: HC83) the draft pre-application process was consulted upon. Some 20 representations were made. A summary of the representations is attached in Appendix 2 together with comments regarding the individual representations.
- 1.2 The draft process subject of the consultation has been revised to incorporate changes following the consultation and is attached at Appendix 1.
- 1.3 The key elements of the existing pre-application process are robust and remain valid. There are two main areas of the process that it is recommended are changed; the interaction with Council Members and Town and Parish Councils, and the publication of both pre-application submissions and the Councils response. These changes are set out within the proposed process at Appendix 1.
- 1.4 This report seeks the recommendation of the Hub Committee to Council to approve and adopt the proposed pre-app process to

take effect after the meeting of full Council on the 18 February 2020.

2. Background

- 2.1 Following the Planning Peer review, it was agreed that a review of the planning pre-application process be undertaken, including the planning duty service.
- 2.2 West Devon Borough Council is committed to supporting effective pre- application engagement with developers, applicants and local communities. However, it should be noted from the outset that the Council's pre application service is for the provision of advice and is not an approval service. It should aim to give developers/applicants very clear advice about whether Council officers may recommend approval for a scheme, or how it may need to change to be supported by a recommendation
- 2.3 The National Planning Policy Framework (NPPF) advises Local Planning Authorities (LPAs) to approach decision-taking in a positive way to foster the delivery of sustainable development. LPA's need to look for solutions rather than problems and where possible, seek to approve applications for sustainable development. In this respect, LPA's should work proactively with developers/applicants to secure developments that improve economic, social and environmental conditions of an area.
- 2.4 The NPPF clearly encourages early engagement and front loading as this has significant potential to improve the efficiency and effectiveness of the planning system for all parties. Good quality pre-application discussions enable better coordination between public and private resources and improved outcomes for the community. LPA's have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage and should encourage any developers/applicants to engage with the local community before submitting their formal planning applications.
- 2.5 The more issues that can be resolved at pre-application stage, the greater the benefits. For the planning system to be effective and positive, statutory planning consultees must take the same early, pro-active approach, and provide advice in a timely manner. This assists in issuing timely decisions, helping to ensure that there are no unnecessary delays and costs.
- 2.6 The existing pre-application process sets out that the Council will expect developers and applicants to be open and positive in their engagement with communities and follow the Council's pre-application process. Communities have a key role in identifying issues and opportunities around community facilities. The pre-

application process and interaction between developers and applicants, local communities and the LPA will allow those communities to express their thoughts and opinions on scale, nature and form of development in a way that is proportionate to the scale of the development proposal.

- 2.7 There appears only to be a small number of pre-application submissions during which the local community are involved. The Council has no power to compel developers or prospective applicants to engage with the community, other than for a relatively large scale energy project. However the pre-application process should continue to encourage community involvement
- 2.8 The planning duty service sits alongside the pre-application process. The duty planning service only provides general planning advice and not pre-application advice. There are also specific appointments for Listed Building and Heritage questions. It is recognised that this does provide a service to customers who have general planning questions.

3. Outcomes

- 3.1 The overall desired outcome would an efficient response to an increasing number of pre-application submissions and an increasing engagement with Ward Members and communities particularly regarding larger schemes. The proposal includes revised targets for the timescales for dealing with pre-application submissions. It is acknowledged that the response times to pre-application enquiries have not been in accordance with the target timescales. The additional resources to Development Management achieved through the increase in planning fees, will provide additional capacity that will facilitate improvements in the speed of response to such enquiries. It is proposed that the target timescales for dealing with pre-applications will be as follows:

Householder/Advertisements: Meeting to take place within 4 weeks from the date of receipt of pre-app with a full response within 6 weeks from date of receipt.

Small Minor: Scoping meeting to take place within 4 weeks from the date of receipt with notes to be circulated for agreement within 7 days of the meeting.

Full pre-app meeting within 4 weeks from date of receipt or within 2 weeks if it follows a scoping meeting. Full response within a timescale agreed at the pre-app meeting. If no further information is required or no comments from other consultees needed the response should be within 3 weeks of the meeting.

Minor: Scoping meeting to take place within 4 weeks from the date of receipt with notes to be circulated for agreement within 7 days of the meeting.

Full pre-app meeting within 4 weeks from date of receipt or within 2 weeks if it follows a scoping meeting. Full response within a timescale agreed at the pre-app meeting. If no further information is required or no comments from other consultees needed the response should be within 3 weeks of the meeting.

Small Scale Major: Scoping meeting to take place within 4 weeks from the date of receipt with notes to be circulated for agreement within 7 days of the meeting.

Full pre-app meeting within 5 weeks from date of receipt or within 3 weeks if it follows a scoping meeting. Full response within a timescale agreed at the pre-app scoping meeting or at the first full pre-app meeting.

Large Scale Major: Scoping meeting to take place within 4 weeks from the date of receipt with notes circulated for agreement within 7 days of the meeting. The timescale for the rest of the pre-app will be set out in an agreed PPA.

- 3.2 Reference above to date of receipt is the date that the Council receives all of the necessary forms/plans and fee to register the pre-application submission. Performance will be measured against these targets.

4. Options available and consideration of risk

- 4.1 A pre-application submission should not be dealt with in the same way as a planning application and is not a vehicle for public consultation and the consideration by the Council of representations from the public or other non-technical consultees.
- 4.2 The Council will continue to encourage discussion between developers and land/property owners who submit pre-applications and the community, including Town and Parish Councils. There will not be formal consultation with the community by the Council unless a development forum takes place.
- 4.3 One of the main areas of concern from the consultation responses was the publication of the pre-application submissions and the response from the Council. There are three options;
- a) Do not publish pre-applications on the council website which is the current position.
 - b) Publish pre-application submissions on the website as soon as they are received
 - c) Publish the pre-application submission and the response once a planning application is made for the proposed development.
- 4.4 As set out above it is considered that the pre-application process needs to be transparent and it is acknowledged that pre-

applications should be published on the website. However as set out in paragraph 4.1 above a pre-application should not be dealt with in the same way as an application and it is not a vehicle for public consultation. The publication of pre-applications as soon as they are submitted would give a false expectation of the level of engagement that the Council would have with third parties in the process. The publication could happen when a pre-application is submitted with notification on the website that it is for information and that the Council will not respond to representations. This is not supported by agents/developers and could result in a reduction in pre-application enquires. It is recommended that pre-application submissions and the response is published on the website if an application for the development is submitted. This would set out what the Council responded to and what the response was. The changes proposed will address a potential perception that the pre-application process is not transparent, by publicising the pre application details and advice given once a full application is received

- 4.5 Another option could be to stop undertaking any pre-application discussions. This would be contrary to advice in the NPPF and would lead to a loss of revenue and a probable damage to the reputation of the Council and is not recommended.

5. Proposed Way Forward

- 5.1 The proposed pre-application process is set out in Appendix 1.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Paragraphs 188 - 195 of the National Planning Policy Framework set out that Local Planning Authorities should engage with a pre-application process. The EIR 2004 Regulations provide a presumption of disclosure for information including pre-apps
Financial implications to include reference to value for money	N	There are no direct financial implications of the contents of the report.
Risk		The front loading of the planning application process with early engagement is set out in the NPPF as having the significant potential to improve the efficiency and effectiveness of the planning application system. The risk therefore in not engaging at a pre-application

		stage is reducing the efficiency and effectiveness of Development Management
Supporting Corporate Strategy		
Climate Change - Carbon / Biodiversity Impact		The provision of advice early in the development of a project will enable climate change and biodiversity issues to be taken into account early an inform the design process
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

Supporting Information

Appendices:

Appendix 1 – Proposed Pre-Application procedure

Appendix 2 – Summary of responses to the consultation

Appendix 3 – Pre-App fees

Background Papers:

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed/sign off	Yes/No
SLT Rep briefed/sign off	Yes/No
Relevant Heads of Practice sign off (draft)	Yes
Data protection issues considered	Yes
Accessibility checked	Yes