

Revised January 2014

Development Management Practice Project Practice Note PRE PLANNING APPLICATION CONSULTATION BEST PRACTICE

1 INTRODUCTION

1.1 There are good examples of best practice in pre application discussions on major planning application proposals involving local communities. Widespread pre application discussion on major schemes takes place where the local authority has adequate resources to provide this service and this approach is supported by the development industry and local authorities.

1.2 The proposed Development Management policy consultation issued by government at the beginning of 2010 (but overtaken by the NPPF) stressed the benefits of effective pre application discussions for communities, councils and developers. Councillors were encouraged to be involved with discussions to act as champions of their communities without prejudicing their role as decision makers on planning applications when submitted. Councils and other service providers were encouraged to provide for and become fully involved in pre application discussions on major proposals and to provide enough resources for such discussions.

1.3 The NPPF states:

“188. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

189. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications.

190. The more issues that can be resolved at pre-application stage, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.

191. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.”

1.4 January 2014 National Planning Policy Guidance states:

“Pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system. This can be achieved by:

- *providing an understanding of the relevant planning policies and other material considerations associated with a proposed development*
- *working collaboratively and openly with interested parties at an early stage to identify, understand and seek to resolve issues associated with a proposed development*

- *discussing the possible mitigation of the impact of a proposed development*
- *identifying the information required to accompany a formal planning application, thus reducing the likelihood of delays at the validation stage. The information requested must be reasonable (more information can be found in [Making an Application](#)).*

The approach to pre-application engagement needs to be tailored to the nature of the proposed development and the issues to be addressed.”

1.5 NPPG advises that parties to pre-application engagement is “a collaborative process between a prospective applicant and other parties which may include:

- *the local planning authority*
- *statutory and non-statutory consultees*
- *elected members*
- *local people*

It is recognised that the parties involved at the pre-application stage will vary on a case by case basis, and the level of engagement needs to be proportionate to the nature and scale of a proposed development. Each party involved has an important role to play in ensuring the efficiency and effectiveness of pre-application engagement.”

1.6 In respect of elected members roles the NPPG further explains that elected members are strongly encouraged to participate at the pre-application stage, where it is appropriate and beneficial for them to do so.

1.6 The NPPG continues; “*Pre-application engagement with the community is encouraged where it will add value to the process and the outcome. The Government has announced its intention to introduce **compulsory** pre-application consultation with local communities for more significant onshore wind development. Cases to which this requirement applies will be specified in secondary legislation in due course.*” The Localism Act 2011 has provision for other types of major development to also be subject to compulsory pre application consultation by order.

1.7 There is no one-size fits all approach to providing efficient and effective pre-application services. Local planning authorities are encouraged to take a flexible, tailored and timely approach to the pre-application services they offer, which are appropriate to the nature and scale of a proposed development. The National Planning Policy Framework recognises that the local planning authority has a key role to play in encouraging other parties to take maximum advantage of the pre-application stage.

1.8 This note summarises examples of such collaborative approaches involving local communities, local authorities, public service providers and developers.

2 PRE APPLICATION DISCUSSIONS

2.1 Some Councils encourage their officers to advise on relevant planning policies and precedents, but without any wider consultation with local communities or elected members until a planning application is submitted. This avoids unproductive involvement for communities and councillors when no planning application is submitted.

2.2 However, there is a risk that issues will not arise until after the planning application has been submitted, causing delay and additional costs for the applicant, and a missed opportunity for the community, which might have been avoided with a more collaborative approach.

2.3 LGA probity in planning guidance 2013 and the Killian Pretty review suggested that for major applications it is good practice to involve communities and local councillors in consultation, without prejudicing the position of councillors who have to decide any subsequent planning application.

2.4 A list of the web sites of councils who previously developed good practice in pre application discussions is given at the end of this note. However not all have been able to maintain these services. Since the original version of this note was prepared in 2008 public sector cutbacks have forced many authorities to prioritise and reduce their service to deal only with statutory duties. Some statutory consultees have also had difficulties responding to pre application engagement requests. In most respects pre application discussions are not a statutory duty. However the experiences gained and potential benefits are included below to assist others.

2.5 The following examples are highlighted:

Chorley Borough Council encouraged developers to have a pre application briefing with councillors on large schemes, to seek to ensure all matters of concern and opportunity have been considered, before a planning application is submitted. However the opportunity was only after a developer has carried out pre application community consultation in accordance with the council's statement of community involvement for such schemes, and the developer is required to report on the outcomes of that consultation and of how the issues raised have been addressed in any revised scheme.

This approach ensures the council is aware of the community's views and the developer's response before any pre application meeting with councillors. Any such meeting is held in accordance with an agreed protocol to ensure that councillors on a planning decision making committee do not pre determine or bias their positions when a formal application is determined.

Waverley Borough Council developed a comprehensive approach to community pre-application discussions. For larger sites it uses public planning forums to structure an opportunity for all those who have an interest in a proposed development to be engaged in an open discussion. The forums are part of a range of pre application advice for which the authority charges. Waverley had used the forums for over 20 major developments since 2005. Waverley planning forums create a means by which councillors and the community could be kept informed and identify issues without risk of councillors pre determining their decisions. The council arranged a forum on an emerging proposal, and the chair of the planning committee explained councillors' roles at the start of a forum meeting. The chairman also ensured all interested bodies were able to explain their views through their spokesperson. The forums were publicised and were public meetings shown on the Council's webcam. A scheme at Dunsford Park attracted over 50,000 visits to the web site.

Wycombe District Council has a development forum as part of its range of pre-application discussions. It is similar to Waverley's approach with developers encouraged to engage with the local community in accordance with a protocol and the statement of community involvement. However the onus is on the developer rather than the council to arrange the community consultation and forum. Council officers and members attend the forum, but as the Council is not chairing the forum, individual planning committee councillors have to preface their remarks by explaining that they will not be expressing a view until any subsequent application is submitted.

Ashford Borough and West Dorset Councils have used the Prince's Foundation "enquiry by design" approach for pre application consultation on major urban extensions. They participated with the developer and community in design workshops and consensus building techniques to engage the community in deciding on the kind of development they wanted to see.

2.5 To date, authorities have borne the costs of these exercises or agreed with developers their absorbing the cost. The costs are significant and are not covered by planning fees which may explain why more authorities have not followed these examples. However section 93 of the Local Government Act 2003 allows local authorities to charge for such discretionary services and a significant number do charge.

3 ADVANCE PLANNING

3.1 To engage communities as effectively as possible timely preparation of planning briefs and master plans has proved very effective.

- The preparation of a brief or masterplan, with close working between the Proposer, local authority and community, enables consideration to be given to all the issues including sensitivities and opportunities particular to the locality. The landowner/developer would be a key participant in creating the master plan or brief.
- Planning briefs and masterplans are adaptable to meet different kinds of development opportunity and community engagement needs and preferences, and enable the full participation of ward and parish councillors, strengthening local democratic working and understanding.
- Carefully prepared masterplans and briefs, embodying best practice in urban design, will improve the quality of any resultant development, encourage more ownership on the part of local communities, and lead to a better understanding of the changing planning process by local communities.

3.2 A masterplan or brief prepared to meet the requirements of the local Statement of Community Involvement and with the collaboration of the local community, would define what was sustainable development, in the context of a community's needs and constraints, and should acquire the material weight and authority of a Development Plan Document

4 CONCLUSIONS

4.1 However detailed the Local Plan proposal for sustainable development of major sites, there will still be issues benefiting from discussion with local communities prior to the submission of a planning application.

4.2 It would be helpful if the duty to cooperate between local planning authorities and other public service bodies were extended explicitly to developers of major proposals. The duty for public service bodies to engage in pre application discussions could ensure that those consultees currently unwilling to adopt a collaborative approach refocused their resources on this need. Council's Statements of Community Involvement can then ensure that local communities are fully involved in pre application discussions. This duty to engage should include master planning or development briefs, including where there is no local plan framework to ensure community engagement in sustainable development.

The original guidance was "Future of Planning portfolio of advice notes No. 8" -
http://www.planningofficers.org.uk/downloads/pdf/PRE%20PLANNING%20APPLICATION%20CONSULTATION%20BEST%20PRACTICE_031010.pdf