



**10 commitments for effective
pre-application engagement**

These commitments have been developed by a cross sector working group and are endorsed by:



The five principal statutory consultees (English Heritage, the Environment Agency, the Health and Safety Executive, the Highways Agency and Natural England) have been closely involved in the development of these commitments. They are fully committed to effective pre-application engagement with local planning authorities, with developers, and with local communities in accordance with the commitments. They commend this document as setting out a clear framework within which they can further develop and deliver efficient and effective pre-application services to help achieve better, more sustainable development. They will endeavour to ensure that the commitments are embedded in their respective approaches to participation in, and management of, pre-application engagement on schemes where they have a role.

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10 commitments for effective pre-application engagement

Pre-application engagement should lead to high quality and appropriate development schemes being granted planning permission more quickly. Early, collaborative discussions between developers, public sector agencies and the communities affected by a new development can help to shape better quality, more accepted schemes and ensure improved outcomes for the community. These discussions also avoid wasted effort and costs.

With so much at stake and so much to gain for all those involved in bringing forward new development, each party must work to make pre-application discussions as effective and productive as possible. Each should have a clear understanding of their roles and responsibilities in the process and work in a way that avoids duplication and wasted effort wherever possible.

Representatives of all those groups most involved in these discussions have come together to agree a set of commitments that all the sponsors have committed to.

These commitments set out the positive spirit that should be embodied pre-application engagement and the arrangements that should make early exchanging information and advice better value for all.

Each developer, local planning authorities (LPA), statutory agency and community group will need to decide how these principles should be incorporated into their individual working practices.

We jointly hope that by identifying responsibilities along with benefits, all parties will see that working in line with these principles will reduce frustrations with the planning system, and generate savings alongside better development.

The commitments

1 Pre-application engagement should enable sustainable development to proceed quickly and smoothly from proposal to completion. This is a co-operative process that requires a positive, proactive commitment from all participants to achieve this goal.

2 Those providing pre-application services should offer a range of timely, effective services proportionate to the scale and complexity of proposed development. The process, timescales, costs and outputs should all be clearly set out.

3 Prospective applicants should select the level of pre-application engagement necessary to adequately deal with the issues raised by the scale and complexity of the proposed development. Failure to engage at the right time or at the right level could have an adverse impact on the timely consideration of the subsequent application.

4 Pre-application services should be delivered in a timely manner and demonstrate good value for money, irrespective of whether the provider of pre-application services makes a charge for them.

5 Pre-application discussions should bring together the right people to address all of the development issues. All parties should have processes in place to ensure that advice given and commitments made are carried through to application and permitting stages.

6 Pre-application engagement should be based on an open exchange of the information needed to allow all the relevant matters, including all obligations and viability, to be considered prior to the submission of a planning application.

7 Collaborative working to find deliverable solutions will necessitate that, whilst the development plan must be the starting point for discussion, the requirements of all parties should be given consideration. Planning Performance Agreements (PPA) are recommended to deal with timing issues and constraints.

8 LPAs should ensure that their pre-application offer provides an opportunity for councillors to be actively involved in pre-application discussions as part of a transparent process.

9 All parties should consider engaging with local communities at the pre-application stage about development proposals in their area. This early engagement should be proportionate to the impact on the wider community and enable community representatives to inform and influence the proposals.

10 All those involved in the pre-application engagement should maintain an agreed record of information submitted, advice given and, where appropriate, agreements reached during pre-applications discussions.



Wealden Homes and Sevenoaks District Council engaged early to develop this scheme to transform a burned out pub into homes that the residents feel fits the character of their village.

“We would like to say how pleased we were with the considerate way in which the houses were built. Now they are finished, the houses look very much in keeping with the village and look like they have been there for many years.”

Local homeowner



Further explanation of the commitments

1. Pre-application engagement should enable sustainable development to proceed quickly and smoothly from proposal to completion. This is a co-operative process that requires a positive, proactive commitment from all participants to achieving this goal.

The purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Engagement between local planning authorities, potential applicants for planning permission, the statutory consultee bodies and the community during the pre-application phase (NPPF paragraphs 188-195) should be directed towards:

- smoothing the path to development by examining the issues, mitigating any adverse impacts and capturing the benefits
- ensuring that the resulting development has benefitted from an appropriate level of engagement with the community
- avoiding wasted cost and effort by identifying poor proposals that cannot meet planning policy early on
- fostering an integrated rather than sequential consideration of planning and non-planning consents wherever possible.

To make this process effective and reap the rewards of a clearer path through the planning system, all of those involved need to engage in a positive and co-operative manner at the earliest possible stages.

For all participants, there is an obligation to commit to better, more integrated working and to demonstrate willingness to actively manage resources and processes in order to give priority to engagement at the pre-application stage.

For potential applicants and their advisors, this will mean that sufficient time is allowed in the building programme for the appropriate level of engagement prior to the submission of a planning application.

A co-operative approach includes the provision of information and a willingness to engage openly about viability of the scheme and the aspects of a development that can be modified.

For local planning authorities and the statutory agencies, it will mean that guidance and advice to applicants should be given in a spirit of finding solutions and giving clear direct opinions. It also means that resources should be managed to ensure that meetings are set up and advice given within timeframes that do not hold up development.

Decision makers can adopt a positive attitude by demonstrating a predisposition towards proposed development that is supported by development plan policies, provided they preserve an open mind in line with the notes for Principle 8.

Case study

When Great Portland Estates Plc. bought a redundant mail sorting office in late 2011, they wanted to get a planning permission in place to begin work when the Royal Mail vacated in 2013.

This large city block, just off Oxford Street, provided a great regeneration opportunity, but also posed challenges. Westminster Council and the developer worked closely together to identify the key principles for a new development; to establish the design concepts and work through the public realm improvements.

In this sensitive location, it was important that all interests were involved. The pre-application process was well managed to achieve a collaborative environment in which the community could contribute to ensure that local needs were being met and affordable housing providers engaged to ensure maximum provision. Council resolved to grant the subsequent application in October 2013 with demolition expected to begin in 2014.



Westminster and Great Portland Estates

2. Those providing pre-application services should offer a range of timely, effective services proportionate to the scale and complexity of a proposed development. The process, costs and outputs should all be clearly set out.

Pre-application engagement between potential developers and councils and statutory agencies is for the most part discretionary and not all proposed development will require the same degree of scrutiny and discussion during the pre-application phase. The needs of an applicant may vary depending on his or her experience and the professional advice they have available during the preparation of their proposal.

Therefore LPAs and statutory agencies should make sure they are able to meet the range of needs with accessible pre-application services, tiered to accommodate the varying needs of minor to complex developments.

In practice, the services offered will vary depending on organisational circumstances. But in all cases they should provide value for money and accord with the other commitments set out in this document.

This includes providing applicants with the information they need to make a choice about what services they wish to use, including details of published information and guidance that is generally available.

For services options that include advice and discussion in relation to a specific proposal, the LPA should set out:

- the cost of the service (if a charge is made)
- the process that will be followed (e.g. meetings, facilitated discussion with statutory consultees, with councillors, a planning performance agreement etc.) and who will be involved in providing this service
- the expected output e.g. written advice on a single submission or, active discussion over a number of proposals leading up to agreements including s106 obligations, and s278
- the timetable for providing this service.

LPAs and statutory agencies have a responsibility to guide potential applicants to the level of service appropriate to the scale and complexity of the proposed development.

3. Prospective applicants should select the level of pre-application engagement necessary to adequately deal with the issues raised by the scale and complexity of the proposed development. Failure to engage at the right time or at the right level will adversely impact on the timely consideration of the subsequent application.

It is recognised that pre-application engagement is not compulsory (except in specific instances as set out in planning guidance) and the potential applicant is free to choose the level of engagement that they feel represents best value for them.

With this discretion comes responsibility. Offering and delivering a range of quality pre-application services will be a significant factor in demonstrating that the LPA and statutory agencies have taken a positive approach to the development process.

If a prospective applicant fails to engage at an appropriate level, or at a time when proposals can be modified to meet legitimate concerns, this is likely to lead to the application process being more costly and lengthy.

Unresolved issues may emerge during the consideration of the application and the opportunity to modify application proposals is likely to be restricted.

Similarly, should a prospective applicant with a large development proposal choose not to engage in a planning performance agreement the level of certainty for all parties will diminish.

In approaching pre-application engagement, prospective applicants should be clear in regard to their expectations in terms of what they want to achieve from the process, in terms of both content and timetable.

Openness about both expectations and constraints will help all parties to prioritise resources and work towards a successful outcome.



Southbank Skate Park, London

4. Pre-application services should be delivered in a timely manner and demonstrate good value for money, irrespective of whether the provider of pre-application services makes a charge for them.

All parties involved in development should be aware of the wide ranging benefits that effective pre-application discussions can have for their organisation.

LPAs and statutory agencies can save money by avoiding costly processing of unacceptable or deficient proposals and reducing the likelihood of costly appeals. There is an incentive in both financial and development quality terms to providing an efficient value for money service that prospective applicants will want to use.

For the potential applicant, the preparation and submission of an application involves considerable expense. Greater certainty makes better commercial sense than speculative or incomplete applications, which are more likely to be delayed or unsuccessful. However, it is clear and reasonable that developers will only choose to participate in pre-application discussions if they feel they are getting value for money and the processes are delivered in a timely and efficient manner.

Many councils and statutory agencies make a charge in order to recover all or part of the cost of providing pre-application services. If no charge is made, resources need to be identified from elsewhere in the organisation in order to support the provision of efficient and timely pre-application engagement.

Legally, LPAs can only charge for the recovery of the costs involved in providing a pre-application service. Statutory agencies are governed by Treasury guidance in “Managing Public Money” July 2013.

In setting charges the providers should be open about the basis for the charge so that users can make an informed choice from the options available.

The calculation of the charge should be arrived at through a consistent methodology, defining staff costs and time and other costs in order to promote a more uniform approach from one authority to another.

5. Pre-application discussions should bring together the right people to address all of the development issues. All parties should have processes in place to ensure that advice given and commitments made are carried through to application and permitting stages.

A positive and collaborative approach to solving problems requires having the right people engaged in the conversation and acting in a concerted way.

It is best if individual conversations between developers, public bodies and the community are co-ordinated. This facilitates comprehensive consideration of issues, promotes the smoothest possible process for arriving at solutions and ensures that agreements are shared.

The LPA will usually be best placed to take this co-ordinating role, albeit that more detailed discussions, for example between prospective applicants and statutory agencies or community groups, may take place in other meetings.

To help build up trust in the output from pre-application engagement, all participating parties must take a corporate approach and ensure that wherever possible people with appropriate levels of authority to speak for their organisation are involved.

It also means that LPAs and statutory agencies need to have processes in place to ensure that advice given and commitments made are carried through from pre-application to following stages in the development process.

LPAs (especially in two tier areas) should ensure that the multiplicity of interests they represent – planning policy, highways, design, economic development, ecology, heritage and so on, are considered comprehensively as part of detailed discussions, especially on large proposals. Every attempt should be made to ensure that the council speaks with ‘one voice’.

The same principle applies to statutory agencies, both individually and, wherever practical, acting in concert. The advice should integrate considerations that relate to permitting regimes albeit that these may be formally considered further through the development process.

Where community groups, such as parish and town councils, act as community representatives in pre-application discussions, they should make efforts to ensure that they canvass the views of the wider community and bring these interests to the table.

These groups also have an important role in disseminating information back to the community, where possible building understanding of the proposals.



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Case study

Securing the future of the former Cooper's Motor Mart in Newcastle posed many challenges. The Victorian building had a rich local history and stands on top of the buried remains of Hadrian's Wall.

Local architects Ryder HKS on behalf of the developer Hanro Group, approached Newcastle Council and English Heritage jointly for pre-application discussions with a view to creating new office spaces within the existing structure. With the right people in the room and a positive, pragmatic approach to finding solutions, the elements of less historic significance that could be replaced were identified.

The architects produced a bold scheme that acknowledged the building's most historically significant features and protected the site's archaeology. Technical problems – such as how to provide natural light in former stabling areas – have been solved and the new additions are innovative, while respecting the heritage values of the building.

The Roman remains beneath have been recorded and are now preserved in situ. The result is an attractive new business space in a central area of the city.

6. Pre-application engagement should be based on an open exchange of the information needed to allow all the relevant matters, including all obligations and viability, to be considered prior to the submission of a planning application.

Pre –application engagement should provide an opportunity for all the necessary information for the relevant material considerations to be identified and thought about at an early stage.

The level of information provided will depend on the stage in the project development and the scale of the proposal. For major applications, the goal should be that by the time the planning application is submitted, all information pertinent to the decision making is on the table.

This should encompass plans, design and access statements, impact studies, a draft S106 agreement, estimated S278 costs and the requirements of statutory agencies. This process will allow developers to have full knowledge of the costs and the impact on viability and avoid protracted negotiations that will hold up delivery.

It will also allow the community to fully understand both the impacts and the benefits of the proposed development. As with other principles, proportionality is the key and what is appropriate for a major proposal will not be required for a minor development.

The LPA has an important role as co-ordinating this exchange of information. It is well placed to establish a ‘development team approach’ to avoid uncoordinated advice from a number of organisations at different stages in the process putting contradictory constraints on the developer.

Although statutory agencies will have their own pre-application offer, subject to these overarching principles, the council will have the role of facilitating the integration of what could otherwise be parallel streams of discussion.

7. Collaborative working to find deliverable solutions will necessitate that, whilst the development plan must be the starting point for discussion, the requirements of all parties should be given consideration. PPAs are recommended to deal with timing issues and constraints.

Pre-application discussions will be most efficient when the council has an up-to-date local plan with published policies to guide sustainable development within its area. Potential applicants should brief themselves on the policy framework to make sure that their proposal broadly conforms to local aspirations set out in the plan policies.

The opportunity to bring a development forward will often be constrained, particularly by timescales and the availability of funding. Councils and statutory agencies need to recognise these considerable constraints and wherever possible adapt the process to meet these needs as part of a positive approach.

PPAs could be more widely adopted by all parties as a means to setting out an agreed timetable for the consideration of development proposals. This flexible tool can aid project management from pre-application discussion stage through to post decision consideration of conditions and implementation stages.

Although a Planning Performance Agreement must be established before a planning application is formally submitted to be able to remove the application from the 13 (or 16) week target, the principles of shared milestones to manage progress can be used at other stages of the development process. LPAs should use pre-application discussions to put in place simple, flexible and proportionate agreements, tailored to the requirements of a particular project.

Case study

Bristol City Council have used planning performance agreements as a tool to provide a project management framework for major applications for some time. So when they had a scheme for the South Bristol Link, a major highways work that involved them, North Somerset District Council and the West of England Partnership, they used a PPA to set out the issues, the principles that each party would commit to and a timetable for dealing with this complex cross boundary proposal.

The agreement recorded the joint approach to consultation and engagement and established project governance. This was a more complex PPA than Bristol's usual single page agreements, but reflects the multiplicity of issues and participants in a clear proportionate framework. Milestones took the project from initial work in early 2012 through to the submission of the application in July 2013. Consent was granted in December 2013.

8. LPAs should ensure that their pre-application offer provides an opportunity for councillors to be actively involved in pre-application discussions as part of a transparent process.

Developers often value pre-application discussions for the chance to brief councillors on the proposals they will consider at committee, and to gain understanding of what elected members understand are the pressing concerns of their constituents. Ward councillors value being well informed about emerging development proposals so they can advise their constituents and take a leadership role by encouraging high quality and appropriate development in their area that reflects the needs of their communities. Section 25 of the Localism Act 2011 makes it clear that councillors can both campaign and represent the views of their constituents and take part in the planning committee determining the application.

Councillors can be predisposed on a matter and comment on individual aspects of a development provided he/she is not predetermined (i.e. has a closed mind) on the development as a whole. As the decision-takers, committee members will be expected to champion good design, maintaining a safe highway network, delivering their council's affordable housing strategy and so on. They can comment on these aspects of a scheme during pre-application discussions without fear of prejudicing their decision-making role. Best practice guidance on this and other matters is set out in the LGA guide "Probity in Planning 2013"

The arrangements for involving councillors will vary between authorities, but should generally include a range of options (proportionate to the scale and complexity of the proposal) for officers to bring councillors and developers together for the chance to exchange ideas and develop a scheme that meets the needs of the area.

These arrangements should take appropriate account of the need for transparency and inclusion of the community.

Case study

Eastleigh Borough Council allocated a site in Bursledon Parish for housing in its draft Local Plan. Local developer Highwood took forward developing the greenfield site adjacent to the A27 close to the M27. Highwood made a point of talking to the local Parish Council, Borough Councillors and the Council Leader to establish general support before starting a formal pre-app discussion.

After meeting the Parish Council and Borough Councillors separately twice before an application was developed, and having account of neighbour views, a scheme for 90 homes emerged. While this was lower than the allocation for the site, the proposal met the reasonable objectives of site neighbours. It made new footpath links from an existing community down to the Hamble River, increased public open space and was designed to allow a smaller development to come forward on a neighbouring site. "What could have been a highly contentious site was made simple, just by getting people together to talk" said Cllr Keith House, leader of Eastleigh Borough Council.



9. All parties should consider engaging with local communities at the pre-application stage discussions about development proposals in their area. This early engagement should be proportionate to the impact on the wider community and enable community representatives to inform and influence the proposals.

Potential applicants and LPAs should embrace the opportunity to seek the views and suggestions of the community during pre-application discussions.

This is particularly where parish and town councils and neighbourhood forums are involved in developing neighbourhood plans for their area.

Involvement of the town and parish councils and neighbourhood forums in early discussions is therefore both wise and respectful. But, even where communities have not begun neighbourhood planning, active engagement with the community should facilitate a two way conversation enabling the modification of proposals to meet the needs and views of local people.

It also provides both the prospective applicant and councillors with an opportunity to brief the community on the proposal.

Arrangements for engaging communities should be proportionate to the scale of development.

The issue of when to engage communities in pre-application discussion, and what information should be disclosed, is a difficult one.

The advantages of early engagement with communities need to be balanced against any adverse effects that disclosure may cause – not least of which is that commercial confidentiality may dissuade developers from seeking pre-application guidance.

The Freedom of Information Act 2000 includes a presumption in favour of disclosure unless this would cause adverse impacts (Regulation 12(5) Environment Information Regulations 2004). These provisions affect both LPAs and statutory agencies.

Prospective applicants can make a reasoned request at the start of pre-application discussion to keep information confidential for a period. It is the legal responsibility of a LPA or agency to decide each case on its merits and to keep this under review.

This process of review should encourage LPAs, having consulted with the potential applicant, to disclose information that is no longer confidential so that the community can access as much information as possible.

10. All those involved in the pre-application engagement should maintain an agreed record of information submitted, advice given and, where appropriate, agreements reached during pre-applications discussions.

LPAs and statutory agencies should keep a record of all information considered, advice given, and any agreements reached at pre-application stage and to check that this advice applied consistently throughout the planning process.

Having agreed notes of discussions is valuable for prospective applicants, and helps to provide the transparency that is needed to build public trust in the integrity of these discussions.

These will prevent misunderstanding and confusion between participating parties. The agreed notes should normally be made available to the public when the subsequent planning application is validated if not earlier (see notes for principle 9).



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