

2. Pre-application services in Local Planning Authorities

i) Running a positive and business-like pre-application service

Pre-application discussions have many potential benefits for the developer. But, the council, statutory agencies and the local community also gain substantially from the process. Successful councils acknowledge that these early discussions are a discretionary transaction. To encourage prospective applicants to engage, it must be shown that the longer-term benefit to them of having the LPA's advice and early community involvement outweighs the short-term cost of both providing the information and paying for the LPA's service.

The table below sets characteristics of a positive business like pre-application service with some guidance about how to achieve this:

A positive outlook	<p>Bearing in mind that prospective applicants will have different needs, a positive approach to pre-application discussions encompasses:</p> <ul style="list-style-type: none"> • being direct and clear with advice • guiding development by solving problems with the proposal and suggesting alternatives • identifying proposals that have little likelihood of success • understanding and accommodating phased development of proposals • asking only for information and plan detail as necessary to consider the proposal • helping to check the application submission.
Flexibility	<p>A council should offer a range of pre-application services to suit a variety of developers and different sorts of development. A model for tiered development is set out below.</p>
Publicise what you offer	<p>No business makes it a secret of the product that it is offering. It should be clear to a prospective applicant that your council will provide guidance or advice before an application is submitted and how they can go about accessing this service. The most accessible place to display this information is on the council's website.</p>

Clarity up-front	<p>The terms of the pre-application transaction need to be spelled out clearly. A service charter or offer should provide clear information about:</p> <ul style="list-style-type: none"> • how to access the service e.g. by email, a form to complete, a telephone number to call or opening times for the duty planner • the timescale for a meeting to be arranged or for a response to an inquiry • the cost • the process (e.g. a one hour meeting) • who will be giving the service (e.g. a senior planner) • the output (e.g. a written note of the advice given in the meeting).
Guiding and advising	<p>While it will be up to the prospective applicant to choose the level of pre-application service they want, it's important that the LPA advises and guides the prospective applicant. This will help to ensure that engagement is proportionate to the challenges of the proposal and that council officers' time is employed wisely. Continuing discussions on schemes where 'showstoppers' indicate that the proposals are fatally flawed, but the prospective applicant nonetheless wants to work on resolving detail is a difficult issue. Although a case by case assessment will be important, councils can indicate their general approach in their offer.</p>
Involving the right people	<p>This is an important job, requiring a range of skills and experience. Those involved must understand the role, and how important it can be for achieving the best outcomes for the area. They must also be given the appropriate level of authority to make professional judgements and provide well-founded advice on behalf of the council that the applicant can rely on. Advice from the council should, wherever possible, be a "single voice". This means wherever possible the requirements of building regulations, highways and environmental health should also be integrated in the advice given.</p>
Working with the right information	<p>Providing a reasonable (proportionate) amount of information up-front is vital; allowing time for background research will ensure that the planning service involves the right people and provides considered advice. The applicant must be clear about the information he/she is required to provide. In all cases the council must ask the applicant only for what is required for the level of advice he/she is seeking.</p>
Delivering on promises and demonstrating value for money	<p>To develop and maintain a reputation as a good place to do business, LPAs must keep their promises about response times and quality. To help deliver this, planning services must have enough capacity to provide pre-application services that accord with the offer. Councils should monitor capacity to deliver the performance promises and adjust the service offer in order to both meet promises and provide timely services.</p>

Written records	<p>A record should be kept of all pre-application advice:</p> <ul style="list-style-type: none"> • to ensure that consistent advice is given and can be taken forward when an application comes in • so that there is an agreed record of discussions and any agreements or commitments given • for public transparency and • in case there are complaints later on in the development process. • This record should be shared with all the participants in the pre-app process and (except in clearly justified exceptional cases) made public as soon as possible, if not before an application is made.
Giving weight to the advice at application stage	<p>Officers of the council will give advice based on their professional judgement in the current circumstances and their knowledge of policy framework. The written record of this advice from officers and discussion with elected members will be a consideration in the determination of a subsequent planning application.</p> <p>However there are important caveats to all pre-application advice that should be made clear to prospective applicants:</p> <ul style="list-style-type: none"> • Circumstances and policy considerations can change over time as well as a result of decisions outside the council's control. • The council's discretion to determine a formal planning application cannot be restricted as a result of any opinions offered by officers or elected members during the course of pre-application discussions.
Statutory consultees	<p>The LPA can't guarantee the involvement of all the statutory consultees – but will actively encourage their participation where relevant. In the more comprehensive pre-app offers the council will facilitate meetings at which integrated advice can be given, considered and utilised.</p> <p>[Note: Most of these statutory agencies have their own procedures for giving (and charging for) pre-application advice]</p>
Councillors and Town and Parish councils and Neighbourhood forums	<p>All LPAs should include arrangements in their pre-application offer for informing ward councillors and cabinet members of pre-application discussions happening in the area. Equally, the development of good sustainable developments will be aided by LPAs encouraging the active engagement of town and parish councils and formal neighbourhood forums at the earliest stages.</p> <p>[See section 4 of this pre-applications suite.]</p>

Confidentiality	<p>LPA's should be clear about their practice in regard to the disclosure of pre-application discussions and explain this in their service offer.</p> <p>The Freedom of Information Act 2000 includes a presumption in favour of disclosure of information, including pre-application discussions, unless such disclosure would cause adverse impacts (Regulation 12(5) Environment Information Regulations 2004). If an applicant has reason for requesting that the council keep advice confidential they should be permitted to make a reasoned request to the council prior to the pre-application discussions taking place. Councils retain discretion in regard to decisions on disclosure of information in any instance and should review these decisions on a regular basis.</p> <p>The LPA will have to reach a decision in each case where a request has been made, and in doing so will have to balance the interests of furthering trust with the prospective applicant against the advantage of engaging the community more widely in discussions. Wherever possible the LPA should make the decision in collaboration with the developer.</p> <p>Once an application is submitted the expectation is that the pre-application advice will come into the public arena.</p>
Charging and payment	<p>Legislation allows councils to make a charge for pre-application services</p> <p>LPA's can choose whether or not to recover the whole or part of the cost of providing pre-application advice from potential applicants. Their decision will be based on a number of local circumstances and objectives.</p> <p>The charges should be clear in the service offer and should relate directly to the services provided within each tier of the offer. [See section 5 of this pre-applications suite.]</p>

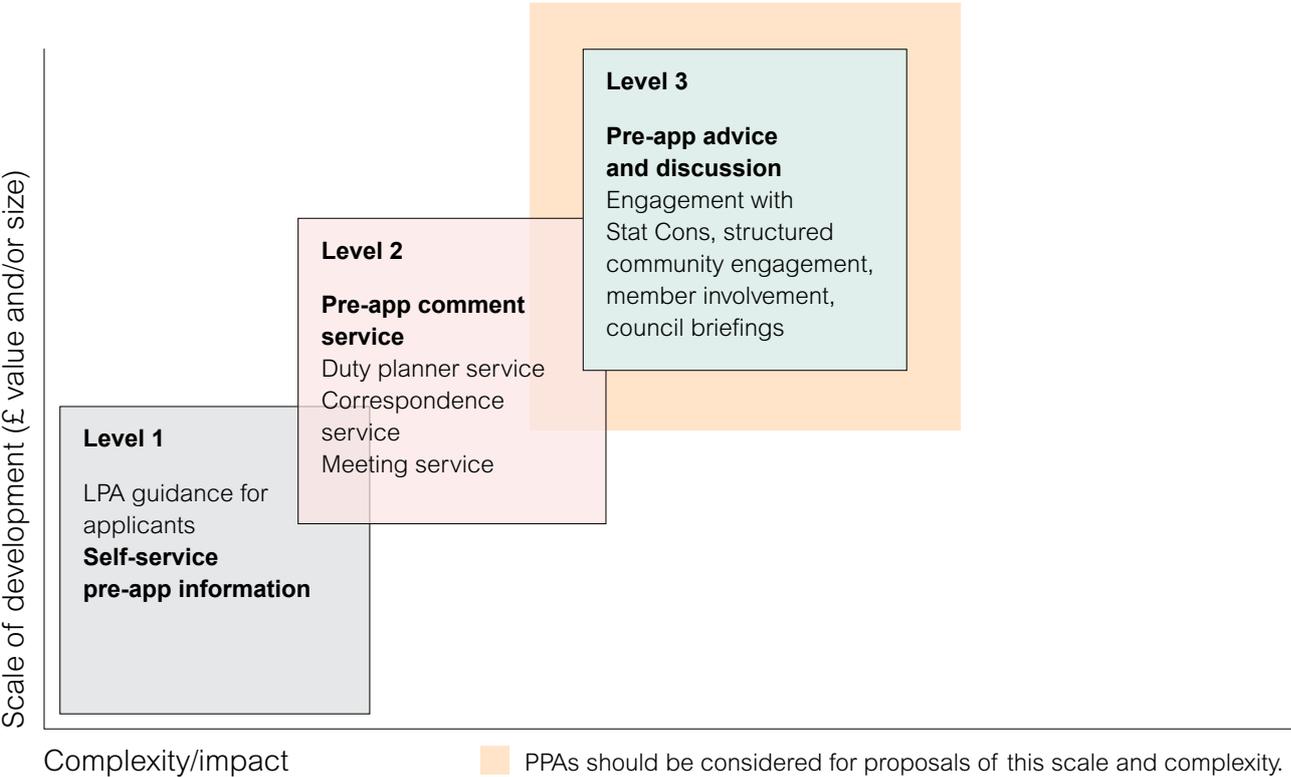


ii) A model for tiered levels of pre-application services

To encourage prospective applicants to discuss proposals at the earliest stages and thereby achieve the potential benefits for all, LPAs need to accommodate the varying needs of prospective applicants and the range of development types. The LPA should help the prospective applicant to choose the level of engagement appropriate to the scale of the proposal, and the complexity of the issues involved. But it will, in the end, be up to customer to choose the level of service that matches their needs and constraints such as cost, risk management and time.

All LPAs should provide three basic levels of service: roughly equating to small, medium and large. These diagrams show the type of pre-application service that will be appropriate at each level and how these relate to the scale of development and complexity of issues raised by proposals.

Level 1 – general pre-application information
Level 2 – specific information and pre-application comment on a proposal
Level 3 – site specific information, pre-application discussion and detailed advice to aid the development of a proposal



Level 1

Level 1: General pre-application Information

What service will this give the potential applicant?	At the most basic level, pre-application advice should help a developer – irrespective of the scale of the proposed development – to find out what the development plan policies are, whether the site lies within a designated neighbourhood area and what information the council holds in relation to site constraints such as conservation areas, listed buildings, TPOs, flood risk areas etc.
How will this be delivered?	This is a self-service offer. It is likely to be provided free of charge to the user via the council's website and in some cases through, through a public desk in planning offices or a one stop shop service centre.
What does it include?	<p>It can include guidance regarding the council's approach to specific sites and topics such as design through referring to well-produced supplementary planning documents that will help applicants to make better applications. It may also include site briefs, conservation area guidance and similar documentation that give prospective applicants greater insight to help them develop appropriate development proposals.</p> <p>Councils with a high commitment to encouraging community engagement have also prepared guides for potential applicants to provide information about local community groups, such as town and parish councils and neighbourhood forums and amenity groups who have an interest in planning in their area. Ideally, this will facilitate the applicant getting in touch directly by providing contact information, explaining the groups' interests and encouraging early conversation.</p> <p>Investment in some form of this pre-application advice can be developed in collaboration between the council and other parties, e.g. in the preparation of site brief information when a site is coming to market.</p>
How does the council make sure this is a worthwhile pre-application offer?	<p>Services require scrutiny and investment to make sure that the information is readily updated and accessible in person as well as electronically.</p> <p>It is beneficial to involve local agents to test whether the information provided and access to it is easy for their and their clients' needs.</p>

Level 2

a) Duty Planner Service	
What service will this give the potential applicant?	<p>Access to a person with an appropriate level of expertise (either a planning officer or a trained support officer) to have a short conversation about a specific site or development proposal is a quick and relatively cheap way to reduce uncertainty and risk for a prospective applicant.</p> <p>[The 2012 PAS Benchmark customer survey asked applicants to rank features of a good DM service in terms of what would most help them to make successful developments. They said that access to a duty planner was second most important on their wish list.]</p>
What can it include?	<p>This advice is given in a limited face to face conversation between the potential applicant and the council officer. Generally this conversation will relate to a specific site or development proposal.</p> <p>It may include:</p> <ul style="list-style-type: none">• a summary of the land use constraints• a summary of the relevant neighbourhood and local plan policies and any applicable SPD guidance• an informal opinion of whether planning permission is required• an informal opinion on the whether the proposed development is likely to receive officer support (providing the development is fairly straightforward and the policy context clear)• CIL charges/some general s106 requirements appropriate to this kind of development• advice regarding the need to consult other agencies• advice about engaging with local town and parish councils and community groups in relation to the specific proposal• tailored information from the LPAs validation checklist <p>This kind of service should also be able to identify proposals that clearly have little or no chance of success because they breach development plan policies.</p>
How will the applicant access this service?	Some councils operate an appointment service. Alternatively, councils have a duty planner available during specific advertised hours.
Can councils charge for this service?	Practice varies from council to council and currently, most councils do not make a charge for this type of service.
Is there a record made of the discussion?	<p>Some councils offer the applicant a written record of the information and comments given. If this is offered it is more often charged for, as it requires the commitment of additional council resources.</p> <p>Whether or not a written record of the advice is prepared for the customer, the council should keep a note of the advice given for its own records.</p>

b) The correspondence offer	
What service will this give the potential applicant?	The scope of this service is similar to the Duty planner offer in that the council officer provides information and comment in relation to a specific site or development proposal. In this case a written response is provided in respect of a plan submitted by the potential applicant.
What does it include?	<p>The information and advice given is likely to follow the matters set out for the duty planner service. The practice in most councils is to provide comments on the development proposal as presented rather than to provide detailed advice on how the scheme may be improved, although this may be possible for simpler proposals.</p> <p>While informal advice as to whether planning permission or prior approval will be required for a proposal, the correspondence offer will not replace a formal determination under s191 and 192 of the 1990 Act. The correspondence offer should be capable of giving clear guidance to a potential applicant if the proposal is clearly contrary to policy (a showstopper) thus saving the applicant time and money in proceeding further.</p>
How will the applicant access this service?	<p>Because this will take additional time to prepare the note, many councils make a charge for this service. The amount of time taken will be an estimate based on the most common development type in that council.</p> <p>Councils should set out the terms of this offer including the cost, the expected response time and the information requirements; including if there is an application form required.</p>
c) The meeting service:	
When is this suitable?	This service is not suitable for complex major applications but is ideal for other types of significant development where a range of issues and interests are raised. It allows parties to consider material similar to that required for a planning application, although clearly the quality will reflect that the most effective time for such an application is at the formative stage, and therefore some information may not be available.
What are the elements of the service?	<ul style="list-style-type: none"> • Briefing and preparation: The planning officer should be familiar with the proposal plans and other submitted information, visit the site, research the planning history, and carry out any internal consultations that he/she feels are necessary in order to provide an integrated response from council officers. • A meeting: This meeting will allow the potential applicant and design team to present and explain the scheme to the officer, receive information regarding constraints and policy context and hear the officers' considered views on the issues raised and any suggested modifications that would improve the acceptability of the scheme. • Preparation of the record of discussion: this should include the officer's briefing information, issues identified, and advice given at the meeting. To be shared with the customer.

<p>What can this service achieve?</p>	<ul style="list-style-type: none"> • Identify those schemes which have little or no chance of achieving planning permission and highlight the main issues why. • Identify the key policies against which the proposal will be assessed, the issues that will need to be addressed and how they could be resolved. • Identify the key statutory consultees whose views will be important in considering planning application • Provide advice about information that should be submitted in the formal planning application • Advise on the need for Environmental Impact Assessment EIA, including screening and potential scoping • Signpost local community groups to engage with, discuss their interests (particularly where neighbourhood plans have been developed) and facilitate their involvement in further discussion • Provide indicative information about CIL charging and likely s106 requirements relating to the proposal • Develop a PPA to guide the project management of future stages.
<p>Will a formal arrangement be required?</p>	<p>The preparation stage is key to both the council and the prospective applicant in getting the most value from this service and therefore a formal arrangement with the submission of an adequate level of detail to demonstrate what the scheme is about will be required.</p>
<p>Who will be involved?</p>	<p>A suitably experienced officer who has sufficient authority to speak authoritatively for the council. For the sake of continuity, that officer would normally have an on-going role in a subsequent planning application. Depending on the issues identified when preparing for the meeting, additional expertise may be required and this expertise should be present at the meeting (with an appropriate charge if applicable).</p>
<p>What are the follow on arrangements?</p>	<p>Any further meetings, submission and consideration of modified proposals or additional studies, impact reports, etc. should be at the request of the applicant and agreed at the discretion of the council officers. The applicant could also request facilitated meetings with statutory consultees, briefings with elected members, and community meetings.</p> <p>The additional cost (if any) for this extra level of engagement should be detailed and agreed.</p> <p>A PPA setting out agreed milestones and timetable for achieving a successful process is recommended.</p>

a) Standard Pre-application Advice and Discussion

When is this suitable?

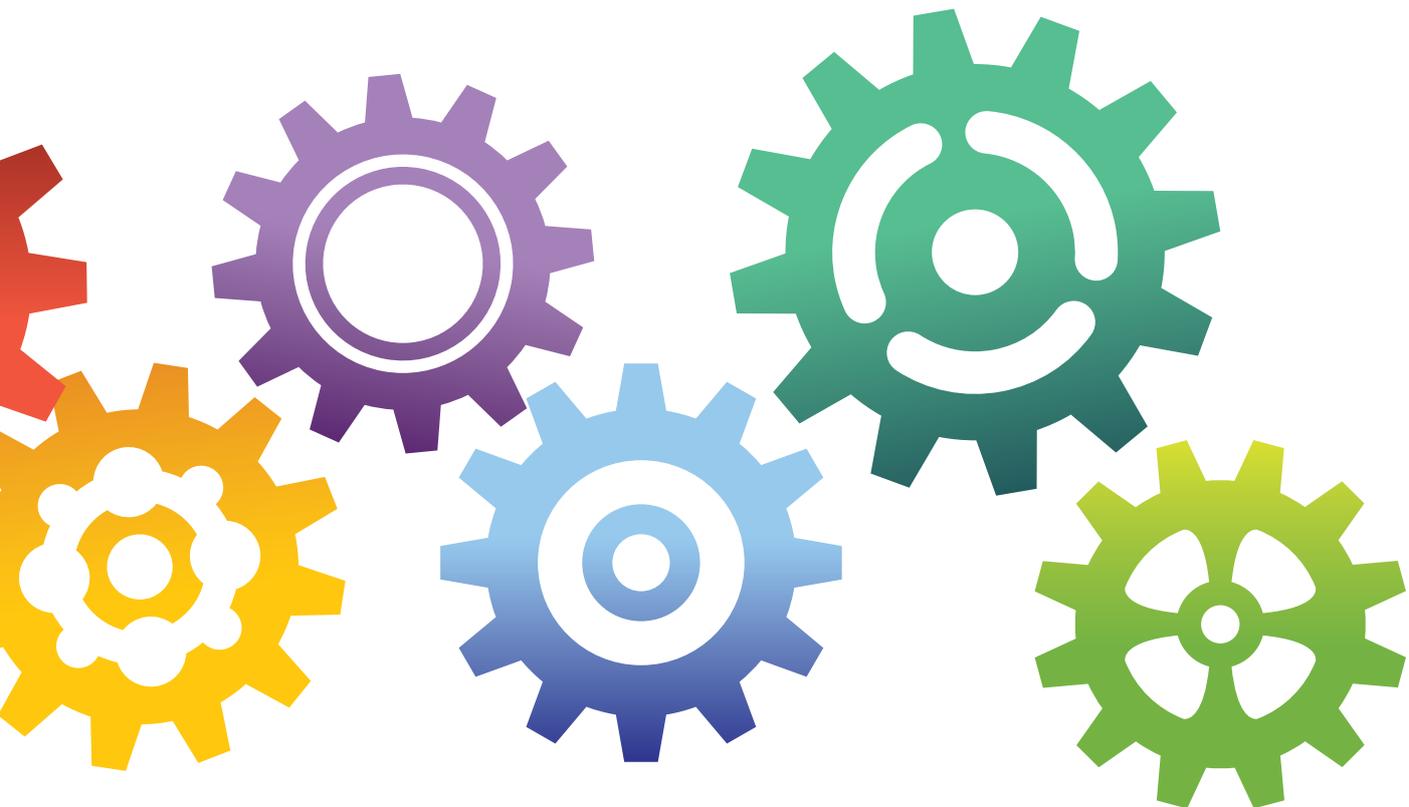
For major proposals, especially the large major applications which involve a complex web of interlinked issues.

The pre-application stage should establish a clear path leading up to the planning application.

The difference in approach from the basic meeting service is that all parties start the conversation knowing that the issues are complex. They are prepared for the pre- application process to be a staged, iterative process that will necessitate early and continuing engagement with a number of other parties.

The council should take a pivotal role in facilitating an integrated process for council issues and other statutory agencies to become involved.

The council should also lead discussion on the early engagement of the community if the prospective applicant has not already commenced conversations with these groups.



What is the typical process for this type of pre-application service?

- Briefing and preparation: (as previously)
- Initial meeting: This is a scoping meeting which both explores the main issues raised by the proposal and provides an opportunity to map out a process for pre-application engagement for a PPA. (Clearly, if the issues include any show stoppers this will be flagged early on and the process can revert to a simple meeting service.)

If possible, representatives from other parties who will be signatories to a PPA should be encouraged to attend the meeting.
- For each proposal the elements of the pre-application process will differ according to the nature of the proposal. The applicant and the council together should discuss which elements will help to improve the scheme, mitigate problems and build consensus. Clearly, developing strategies for project specific scoping of engagement strategies and impact assessments will be key elements.
 - Formation of a development team including relevant council services and a schedule of meetings outlined
 - Facilitated meetings with statutory consultees
 - Commissioning detailed impact studies
 - Assessment of detailed impact reports
 - Screening and then scoping for EIA
 - Briefings for elected members
 - Early briefing and discussions with town and parish councils and neighbourhood forums
 - Wider community engagement (developer forums etc. or creation of working groups with the community)
 - Early reporting on progress to planning committee
- Exchange of PPA agreement detailing approach and project milestones
- Preparation of a final summary document that provides a record of pre-application discussions and leads on to the submission of a planning application and assessment of the effectiveness of this pre-application stage.



<p>What can this service deliver for the prospective applicant?</p>	<p>This offer will provide the benefits of the simpler pre-application offer together with:</p> <ul style="list-style-type: none"> • A named project officer responsible for managing the pre-application process • An agreed timetable through a PPA • Active facilitation of a co-ordinated response from all services in the council • Active facilitation of meetings with relevant statutory consultees • Advice and suggested alternative approaches in order to address any identified concerns. Negotiation and agreement of the s106 agreement, S278 costs and CIL charges • The council officers actively engaging both councillors and community groups in pre-app discussion • Management of the decision-making processes, including arrangements for consultation, committee lead-in times and referral constraints and (if necessary) site acquisition processes.
<p>Will a formal arrangement be required?</p>	<p>This is a major commitment of resources from all parties. The key to a successful process will be proper project management. This should start with a clear arrangement right from the beginning.</p> <p>Where the council makes a charge for this service, it will be helpful to have the cost of the basic service specified along with indicative prices for the 'optional' elements.</p> <p>Arrangement for such charges may be a combination of up-front charge and subsequent billing either in arrears or in some form of draw down arrangement whereby the applicant pays a sum up front and the unspent balance is refunded at the end of the process. All such financial arrangements will normally be separate from the PPA agreement.</p>
<p>Who will be involved?</p>	<p>This service requires leadership from the council. Ensure that all those whose comments will affect the final decision are encouraged to participate (e.g. council highways, statutory consultees, parish council). The people involved should be both sufficiently expert and able to speak with authority for their organisation.</p> <p>An identified planning project manager should act as a single point of contact.</p>
<p>What are the follow on arrangements?</p>	<p>The PPA for this kind of development can be designed to lead from the pre-application phase into the planning application and post-application phases in seamless stages.</p>

b) The tailored pre-application advice and discussion	
When is this suitable?	The largest and most complicated schemes may be in design and development for a period of years. These schemes are very often important to delivering key strategic elements of the council's own local plan and therefore the council has a strong interest in taking an active lead and collaborative (and sometime even financial) interest in achieving a high quality sustainable development.
What are the elements of the service?	<p>A key element is a PPA that deals with setting project management milestones and ensuring that adequate resources are put into the discussions to keep the project moving towards delivery. This is an effective means of establishing an agreed structure capable of providing the integrated and 'end to end' collaborative relationships necessary to underpin strategic developments.</p> <p>While all of the elements set out in the bespoke service above are applicable, the scale and complexity of such schemes may require other additional options unique to the situation.</p> <p>These schemes are more likely to also require co-ordinated approaches to site accumulation and infrastructure delivery as well as plan policy making and development management. The range of stakeholders who should be engaged at the pre-application stage is often large and mapping such interests is often a useful initial step to developing the PPA, as are consensus building visioning workshops which focus on the eventual outcomes from the development.</p>
What can this service achieve?	<p>Effective pre-application arrangements in this context not only facilitate a smoother planning process but also work towards a smoother delivery on-site.</p> <p>The process provides a transparent framework to explain the discussions and partnership working that are essential to this kind of large development. It can facilitate the effective involvement of the community and will aid building acceptance and ownership of the scheme.</p>
Will a formal arrangement be required?	A range of partnership arrangements will be appropriate depending on the circumstances and requirements of the parties involved. In the interests of both transparency and certainty these should be spelled out clearly as soon as practical.
Who will be involved?	This scale of proposal will require a combination of leadership, expertise and project management – all of whom will have to be able to commit significant amounts of time to the process.

