

## **SOUTH HAMS DISTRICT COUNCIL**

### **PRE-APPLICATION ADVICE POLICY - ADOPTED FEBRUARY 2020**

#### **1. Definitions**

- 1.1 For the purposes of the pre-application process that following definitions apply:
- **Householder:** proposals to alter or enlarge a single house
  - **Listed Building:** alterations to a listed building which could affect its character as a building of heritage value
  - **Advertisements:** proposals to display signage, signs, boards, posters and notices
  - **Small Minor:** 1-2 Dwellings or non-residential floor space up to 499sqm, telecommunications, Lawful Development Certificate Advice and changes of use except dwellings, where there is no operational development
  - **Minor Development:** between 3 – 9 dwellings or non-residential floor space between 500 – 999sqm or a site area up to 1 Ha.
  - **Small Scale Majors:** up to 30 dwellings or Non-Residential floor space between 1000 – 4999sqm or a site area between 1 – 2 Ha
  - **Large Majors:** 31 and over dwellings or Non-Residential floor space over 500sqm or a site area over 2 Ha all renewable energy proposals unless a domestic scale and all development that requires an EIA

#### **2. Overview**

- 2.1 Any advice given by Council officers in response to pre-application (pre-app) enquiries does not indicate a formal decision by the Council as local planning authority. Any views or opinions expressed are given in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application following statutory public consultation, the issues raised and evaluation of all available information.
- 2.2 The response given at pre-app does not bind the Council to a decision and officers cannot give guarantees about the final formal decision that will be made on planning or related applications. It will aim to give developers/applicants very clear advice about whether Council officers are likely to support a proposed scheme or how it may need to change to be supported. . The pre-app advice is given in accordance with the circumstances at that time and is subject to the proviso that circumstances and information may change or come to light, including responses from statutory consultees, third parties or the local community that could alter the position.
- 2.3 If following a pre-app enquiry, a subsequent planning application is made on the site, the preapp submission together with any response made by the Council will be made available for public inspection. If at any time the Local Planning Authority receives a request, under the Freedom of Information Act (FOI) or Environmental Information Regulations (EIR), to disclose information relating to this pre-application enquiry they are obliged to do so unless the information is deemed exempt under the Act. The Council can only withhold information under FOI or EIR if the information falls under one of the exemptions (FOI) or exceptions (EIR) set out in legislation. For certain pre-application issues the applicant would be advised to complete the section in the application form setting out why they consider the matter to be sensitive and should set out the reasons why, and for how long,

they feel any information relating to the case needs to remain confidential. However, whilst the Council will take account of these views, the final decision on whether the information should be withheld rests with the Council. The Council maintains compliance to the Data Protection Act and the Council will not release any personal information to third parties.

### 3. **Introduction**

- 3.1 Open and constructive pre-application discussions are an opportunity for the Council and applicants to work together to achieve developments that deliver benefits to the individual, community, environment and the economy. This can save time and costs and optimise the potential of a site.
- 3.2 Benefits of pre-application enquiries and discussions include:
- Saving time and resources
  - Raising the quality of development
  - Speeding up the validation process
  - Gaining community acceptance through engagement
  - Reducing the number of unsuccessful planning applications
  - Identifying the need for specialist input earlier
  - Provide sufficient information to support final application
- 3.3 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.
- 3.4 With this in mind, the Council will expect developers and applicants to be open and positive in their engagement with communities and follow the Council's expectations for community engagement as set out in Section 7 below. Communities have a key role in identifying issues and opportunities around community facilities. The pre-app 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.
- 3.5 Any comments received by the Council from third parties will be forwarded to the applicant/developer. Developers and applicants will be expected to consider all suggestions brought forward through the community consultation process and to set out detailed explanation and reasoning why they have either incorporated or excluded community suggestions and opinion, within any subsequent planning application

### 4. **The cost of a pre-application**

- 4.1 Planning application fees do not cover the cost of a pre-application advice service and Council's are permitted to charge for this service. To provide a quality pre-application advice service the Council does charge for advice and the current fee schedule is set out in the attached schedule. The fees are considered on an annual basis by the Council.

### 5. **What Information is required with a pre-app**

- 5.1 All pre-apps must be submitted using the pre-app application form that is available on the Council website and the appropriate fee must be paid. In addition to the application form and required fee, you are required to send us as a minimum:
- A site location plan, clearly identifying the site in question
  - A sketch plan showing the proposed development work
  - Photographs of the site if they would help to put the development in context
  - A summary of any community consultation that has been carried out
- 5.2 The application form has more detail on what you need to send us. The level of additional detail required will be dictated by the complexity of the proposal. However, the more information you can give us initially, the more detailed and comprehensive the response from officers can be.

## 6. Pre-application Process

- 6.1 Within 10 working days of receiving a pre-application submission the Council will contact the applicant by either telephone or email to confirm that the pre-app has been received and that the correct fee has been paid. If the correct fee has not been paid this will be advised and the correct fee requested. If the correct fee has not been received the pre-app will be held in abeyance until the correct fee is received. The name of the case officer will be provided and a date for a meeting, either in the office or on site will be arranged.
- 6.2 The timescales for the Council to respond to pre-app submissions will depend upon the complexity of the proposal, the need to consult other statutory technical consultees and whether further information is required. The timescale for an initial response to a pre-app submission to acknowledge receipt and arrange a meeting with the case officer is set out in the table below, according to the nature and complexity of the pre-app. The timescale for a full response will be agreed between the case officer and the applicant at the initial meeting. The starting point for the proposed timescales is the receipt of a pre-app, with the correct fee and information requested on the form.
- 6.3 The purpose of a Scoping Meeting is narrow and is only to be used to establish initially whether the proposal is acceptable in principle in the context of planning policy. A scoping meeting will not consider any technical matters, including highways access or landscape impact and the advice given will be notwithstanding any technical matters that may arise later. No consultation is undertaken with external agencies. The scoping meeting will also establish the additional matters and details that will need to be considered if the matter is considered at a full pre-app stage. The Scoping meeting is a desktop exercise and will take place at the Council offices. Should a full pre-app be submitted as a scoping meeting request, it will not be considered until the correct fee has been paid for a full pre-app.
- 6.4 The Council recognise that there is benefit to early engagement with elected members within the planning process, including the pre-app process. Members will receive a weekly list of the pre-application submissions that have been received and once a full pre-app meeting has been arranged the relevant Ward Members will be advised of the date and time of the meeting. Should the Ward Member(s) wish to attend the meeting they should contact the case officer to arrange attendance. Members who attend any pre-app meeting should avoid expressing any detailed opinion or prior view which might be viewed as pre-determination and should following the Members Planning Code of Good Practice.
- 6.5 The full pre-app meeting could take place on site or at the Council Offices depending on the specific nature of the pre-app. If the meeting is at the office, the case officer will visit the site in advance of the meeting. There will not be a full written response to a scoping meeting, but written notes of the discussion will be circulated for agreement.

- 6.6 If an application is subsequently submitted following any pre-application advice being given, once the new application is registered, the pre-application submission, including the pre application form, all plans and documents submitted to the Council during the pre-application process together with any written response(s) given by the Council in response to the pre-application submission will be published on the Council Website with the new application documents.

Action	Target timescales				
	Householder or Advert	Small Scale Minor	Large scale Minor	Small scale Major	Large scale Major
Register, allocate to case officer and contact applicant to arrange meeting	Within 2 weeks from receipt				
Scoping Meeting (if requested) and the circulation of notes for agreement after the scoping meeting.	N/A	Scoping meeting to take place within 4 weeks of the receipt. Notes from the meeting to be circulated for agreement within 7 days of the meeting – unless agreed otherwise at the scoping meeting.			
Pre-app meeting with officer either in office or on site	Within 4 weeks of receipt.	Within 4 weeks of receipt or within 2 weeks of receiving the information agreed as required at a scoping meeting		Within 5 weeks of receipt or within 3 weeks of receiving the information agreed as required at a scoping meeting	As agreed in a PPA
Formal response to pre-app	Within 6 weeks from receipt or a period agreed at the pre-app meeting.	Within 3 weeks from the date of the meeting or a period as agreed at the pre-app meeting.		With timescale agreed at the preapp meeting	As agreed in a PPA

## **7. What advice is provided to a Pre-App Enquiry (Not a Scoping Meeting)**

The Case Officer will undertake the following:

- Research the history of the site.
- Undertake an unaccompanied site visit prior to the pre-app meeting, if required.
- Identify and assess the prospective application against Development Plan policies and other relevant council policies, guidance and standards.
- Highlight the need for further investigations or key groups that need to be consulted.
- Provide a detailed written response to a full pre-app meeting in context to the information supplied, and specific questions asked in the initial enquiry and at meetings as far as practicable, which would include an opinion as to whether or not a planning application would be worth pursuing.
- If possible identify areas for inclusion in any Heads of Terms for S106 agreement.
- Advise on the appropriate level of community engagement
- Provide written feedback from Members, the Local Council and local residents received if a Pre-application Community Engagement Forum is held.

## **8. Community engagement in the pre-app process**

- a. One of the core planning principles set out in the National Planning Policy Framework (NPPF) is that planning should empower local people to shape their surroundings. The NPPF also states that applicants should be encouraged to engage with the local community before submitting their applications.
- b. Communities have a key role to play in identifying issues and opportunities arising from development in their area. The Council is therefore committed to encouraging developers to engage with communities, where appropriate as part of the pre-application process. Engagement is expected to be open and positive and consideration given to all suggestions brought forward with feedback as to how and why these can or cannot be incorporated in the final plans. Council Officers and Members and other stakeholders should be involved in the engagement process to provide a joined-up approach.
- c. The level of engagement should be proportionate to the size, type, scale and location of the development. Set out below is the Council's recommended engagement process based on some of these factors. This does not preclude additional engagement or consultation where agreed by the parties involved or felt necessary to address specific issues that arise.

### **Minor Development**

- d. If the pre-application enquiry relates to Minor development, whilst this type of development can be small scale there should be some form of engagement with those affected by it. In some communities even a small number of additional dwellings may be considered significant. In all cases we recommend the applicant consults with those landowners or residents whose property bounds the proposed development area, the Parish Council and any other local landowners or residents who may be affected by the development. This will assist the applicant in gaining understanding from their close neighbours and potentially avoid objections to the scheme.

- e. Where more than 3 dwellings are being proposed and these are in a rural parish or smaller local centre, where such development could be considered significant, or where additional infrastructure/facilities are being delivered that will have an impact on the community as a whole it is recommended that the applicant attend a Parish Council meeting to discuss their proposals and likely timescales for application and delivery and whether wider community engagement is appropriate.

## Major Development

- f. As part of the scoping meeting for major developments the case officer will set out the expectations of the Council regarding the extent of community engagement to enable the local community to be involved in shaping and influencing the development.
- g. For major developments the Council would expect the developer to demonstrate that the community has had a reasonable level of involvement in shaping the development. The following three stage process is suggested for large scale major development, although the developer may choose to undertake additional engagement and, particularly on some larger or more complex sites with a variety of infrastructure requirements or in local centres where such development is deemed very significant.

### **h. Stage one: Attendance at a Town or Parish Council meeting**

The developer should advise the Town or Parish Council that they have commenced discussions with the District Council on the site. They should discuss the options for the development, any draft proposals they have and likely timescales for application and delivery and agree with the Town or Parish Council how and when the community will be engaged in shaping the development.

### **i. Stage two: Community Engagement Event**

Whilst the exact format of the event will be left to the developer to agree with the Town or Parish Council they will need to demonstrate that the community has been enabled to participate in the engagement process by holding any event at an appropriate time, in an accessible location providing the right level of detail to enable the community to help shape and inform the development. An open day/drop in event is more likely to result in a larger take-up from all sections of the community than a shorter public meeting. Developers will be expected to ask the community for their views and suggestions on options and plans for the development, and share any of their own emerging plans inviting comment on these. Where possible anticipated timescales for submission of the application and development of the site should be provided. The community views will need to be collated in order to provide feedback. Developers may wish to consider a simple form for this purpose and this and other documentation should be made available on-line through the Town or Parish Council website so that those unable to attend can comment on the proposals. Both parties may also decide that an on-line survey is appropriate.

### **j. Stage three: Development Forum**

Where deemed necessary and agreed as part of the pre-application process, key stakeholders will be invited to the Development Forum where the developer will need to:

- i. Provide feedback on options, suggestions, comments and issues raised by the community at the previous stages of the engagement process demonstrating how the developer proposes to address these. Where options suggested by the community cannot be progressed or accommodated reasons should be given. This feedback should also be made available on the Town or Parish Council website.

- ii. Present final proposed plans and timescales to the forum.
  - iii. Answer any questions raised and indicate when feedback will be provided on any outstanding issues.
- k. Development Forums are to be held during the pre-application stage of the development process in order to help all people involved in making a decision understand fully both the nature of the proposal and the issues involved with major, complex and controversial developments. They enable a developer to explain proposals directly to the elected Members and officers of the District Council, Town/Parish Councils, stakeholders and the community and enable the developer to shape a scheme to address community concerns and to provide adequate information to assist the decision takers to envisage the scheme and its impacts.
- l. A Development Forum also provides a structured way in which Members can be involved in pre-application discussions without the risk of pre-determination and enable a developer to explain proposals directly to the elected Members and officers of the District Council, Town/Parish Councils, stakeholders and the community, addressing community concerns and providing adequate information to assist the decision takers to envisage the scheme and its impacts.

m. **DEVELOPMENT FORUM PROCESS**

The Development Forum will be a meeting arranged by the Council to facilitate the explanation and examination of a development proposal, prior to an application being made. Responsibility for deciding which schemes will be presented to a Development Forum will rest with the Council's Community of Practice Lead (DM) in consultation with the Chairman of the Development Management Committee who would normally chair the Development Forum meeting.

- n. Generally, Development Forum meetings will be held at the Council Chamber at Follaton House, Totnes. In exceptional circumstances, and where practicable, such Forum meetings may be held in venues close to the development site at the discretion of the CoP Lead (DM) in consultation with the Chairman of the Development Management Committee.

Publicity/notification of a Development Forum meeting will be given between three to four weeks before the meeting.

- o. Development Forum meetings will be held in public, where a full record of the proceedings will be taken and the minutes/notes of the meeting will be published on the web site. An attendance list will be circulated at the Forum meeting for the voluntary completion by all attendees, including name (and organisation if applicable), email/postal address and reason for attendance at the meeting. In voluntarily completing the attendance list, attendees are agreeing to provide contact information to help with the running of this event and to enable the Council to notify attendees of final minutes/notes of the Forum meeting and/or any other pertinent information and details. It should be noted that any attendees who speak at the meeting will have their name included in the minutes/notes.
- p. Member attendance and involvement at Development Forum meetings will be subject to normal 'interest' considerations. Development Forum meetings will be for information purposes only, i.e. no predetermination, or prejudicing of a future decision until all material considerations have been considered.

- q. Development Forum meetings will be led by the Chairman and a planning officer, with other officers in attendance as appropriate (e.g. landscape, ecology, housing, highways, drainage). The developer (and team) will be invited to present the scheme subject to a time limit. Generally, this time limit will not exceed 40 minutes. Each stakeholder and stakeholder representatives (e.g. Town/Parish Council representatives, local community group representatives), who have been invited to and accepted the invitation to speak at the Forum meeting, will be permitted up to 5 minutes to make comments and provide feedback on the developer's presentation and scheme as proposed.
- r. Open questions by Members seeking clarification about aspects of the proposed scheme can be directed to the developer (and team), speakers and officers. A planning officer will summarise the main issues arising from the proposal and will explain what will happen next.
- s. Minutes/notes of a Development Forum meeting will be forwarded to all Members, stakeholders (or their representatives) and attendees and will be published on the District Council's website.
- t. The Development Forum is NOT a decision making body. For clarity, it is the separate Development Management Committee which makes the final decision on any submitted planning application, NOT the Development Forum.