

Planning & City Regeneration

Pre-Application Services: Guidance Note

June 2016



Statutory Pre-Application Advice Services: An Introduction

The Council encourages and welcomes the opportunity to provide advice before a planning application is submitted. Our aim is to encourage and promote high quality development and to improve the efficiency of our service. The idea is that any significant planning issues are raised prior to the submission of a formal application. This provides applicants with the opportunity to consider these issues and, if necessary, amend the proposals before they are finalised and submitted as planning applications.

Following the introduction of a charging schedule by the Council for pre-application advice in April 2015 as part of a delivery of changes to improve planning services across Wales, on 16 March 2016 Welsh Government introduced a statutory requirement¹ for Local Planning authorities (LPAs) in Wales to provide a pre-application service and introduced a schedule of standard fees² for obtaining advice across Wales.

The standardised nature of pre-applications across Wales and the payment of fees will allow the Council to provide a responsive and professional service thereby reducing uncertainty and be cost effective for those submitting planning applications.

What is pre-application advice?

Pre-application advice is advice given by officers of a Local Planning Authority on a prospective proposed development before a formal planning application is submitted for consideration and subsequent determination including advice provided following the refusal of an application. The advice that can be given can be wide ranging including information on site history, policy and key considerations, and LPAs across Wales have had varying degrees of services offering advice. In terms of the statutory service Welsh Government has clarified that the advice given should include

- (a) the planning history of the land on which the proposed development is to be carried out, so as far relevant to the proposed application;
- (b) the provisions of the development plan, so far as material to the proposed application;
- (c) any supplementary planning guidance, so far as material to the proposed application;

¹ The Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016

² The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits)(Wales)(Amendment) Regulations 2016

- (d) any other considerations which are or could be material in the opinion of the authority; and
- (e) an initial assessment of the proposed development on the basis of the information provided under paragraphs (a) to (d).

For development proposals other than Householder Developments information that can be provided by the LPA includes:

- (a) whether planning obligations (within the meaning of section 106 of the 1990 Act (planning obligations) are likely to be required and, if so, an indication of the likely scope of such planning obligations, including an indication of any sum which may be required to be paid to the authority;
- (b) whether a liability to pay a Community Infrastructure Levy is likely to arise, and if so, an indication of the likely amount; and
- (c) details of any documents and particulars or evidence that would be required for a subsequent application to be a valid application.

How to request advice?

All requests for pre-application advice, in order to be considered as a valid submission, must be made on our standard 'Pre-Application Enquiry Form' and be supported by a site location plan (identifying site, drawn to scale and showing direction of north) as well as any information sufficient to explain the proposed development. The submission will need to be accompanied by a fee³ which is made payable at the same time of submission.

What level of information should I include?

Subject to submission of the enquiry form, a site location plan and a fee your pre-application enquiry will be processed. However, please be aware that any additional information including existing and proposed plans/drawings, photographs and any other information will assist the Council in dealing with your pre-application and allow for a more detailed response.

The more information you give to us the easier it is for us to give an accurate reflection of the response likely to be given to a formal application. A vague pre-application with limited information will likely result in a vague pre-application response with little focus on the potential outcome other than references to the principle of development. A detailed pre-application, however, with supporting information will likely result in a more detailed response and guiding of a likely recommendation and decision.

What will the advice look like and how long will it take?

You will receive a written response clearly covering the above mentioned issues in relation to your proposal (where applicable) within 21 days of receipt of a valid pre application enquiry. Where a scheme is likely to raise a number of issues and further time is required to consider your proposal officers will request an extension of time to

³ The Pre-Application fees are set out in the 'Fee Charging Schedule' (June 2016)

deal with your enquiry. The purpose of this will be to allow flexibility in the process to enable a detailed assessment of the development to be undertaken.

What won't Pre-Application advice do?

The advice we give will not guarantee a particular outcome i.e. a guaranteed planning permission or a formal view of the planning committee. This is because:

- a) Applications are subject to a wider consultation process than a pre application enquiry, and issues may come to light that are not known at the time of giving the advice; and;
- b) The views given will be current at the time of giving the advice but changes in planning circumstances and policy will need to be taken into account when the application is decided; and;
- c) Certain applications are determined by Planning Committee (approx. 10%) which is made up of elected members. Whilst the committee will have an officer report and recommendation to consider, members may decide to give different weight to key issues and other material considerations, in arriving at their decision.

Request for Additional Advice or Meetings

The statutory pre-application service does not provide for additional advice or meetings relating to the same scheme submitted for pre-application advice. As such, if requesting an additional response applicants would be required to submit a new pre-application subject to a fee.

In the interests of allowing flexibility and to encourage applicant's to engage in the pre-application process the Council welcomes the submission of additional information or meetings to discuss a pre-application response prior to a formal application and particularly where it has been suggested that amendments could be forthcoming in order to provide for an acceptable development.

Additional Advice or a Meeting can be given subject to the payment of an additional fee in the case of Category A, B and C developments amounting to half of the original pre-application fee plus VAT. Householder requests will be dealt with on a fixed fee basis and any additional advice or meetings will be charged at £25 inclusive of VAT.

In order to request such additional advice or a meeting you will need to complete our 'Additional Advice / Meeting Request Form' in full with your accompanying fee. Where you are seeking a response to additional information or plans provided we will deal with your enquiry within 21 days. Where you have requested a meeting to discuss your pre-application we will contact you within 7 days to arrange a suitable date and time for the meeting. As a general rule meetings will be limited to no more than 2 hours for Category A or B Developments and no more than 1 hour for Category C or D developments.

Will the enquiry be confidential?

The Authority is required to keep and maintain a record of all pre-application enquiries and responses. As such all pre-application enquiries submitted via the statutory service as set out in this guidance note will be made publically available. If your proposal is commercially sensitive and you do not wish for the information to be readily viewable please inform the Council.

Please note that the Council may have to disclose any information it holds if requested under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004.

Non-Statutory Pre-Application Advice Services

The Authority would encourage you to use the statutory pre-application advice service outlined above to provide initial pre-application advice. It is recognised, however, that there will be occasions when you may wish to engage with the Council outside of this service, either because you would prefer such discussions to be confidential (subject to the requirements of the Freedom of Information Act 2000 or the Environmental Information Regulations 2004) or you are looking for a different service to that offered under the statutory service. In this respect subject to the payment of the appropriate fee⁴ the Authority will provide a non-statutory pre-application advice service comprising the provision of a written response within 21 days of receipt of a valid pre-application enquiry and a meeting, as required. Any additional advice or meetings will be provided on the basis of the service outlined above.

Alternatively, on particularly large or complex schemes a bespoke service can be provided via a Planning Performance Agreement agreed with the Authority.

What about permitted development enquiries?

Due to budget constraints and recent changes in permitted development rights, regrettably we will no longer be able to offer advice on the need for planning permission. However, there are three options open to anyone who wishes to check whether planning permission is required for a particular proposal:

1. Submit an application for a lawful development certificate as to whether planning permission is required for a development or use of land. The advantage of this is that it provides a legal determination that protects the owner. The application forms can be obtained by calling us, visiting our website or by visiting the Welsh Planning Portal by following the link below: <http://www.planningportal.gov.uk/planning/applications/>
2. Visit the welsh planning portal website to view the 'interactive house' at <http://www.planningportal.gov.uk/permission/>
3. View the Welsh Government leaflet; Planning: a guide for householders <http://wales.gov.uk/topics/planning/policy/>

⁴The Pre-Application fees are set out in the 'Fee Charging Schedule' (June 2016)

DISCLAIMER

We will endeavour to give you the best advice based on the information available at the time. However, you should be aware that any advice given is not a formal determination by the Local Planning Authority.

The views and opinions expressed as Pre-Application advice are given in good faith, without prejudice to any formal decision that may be made by the Local Planning Authority.

The Council reserves the right to decline a request for Pre-Application advice where essential information to consider the request is not provided.

Contact Details:

Email: planning@swansea.gov.uk

Telephone: 01792 635701

Letter: Planning & City Regeneration,
Civic Centre, Oystermouth Road, Swansea, SA1 3SN

For more information, please visit www.swansea.gov.uk