

NOTICE OF MEETING

Meeting: ENVIRONMENT OVERVIEW AND SCRUTINY PANEL

Date and Time: THURSDAY, 10 SEPTEMBER 2020, AT 2.00 PM*

Place: SKYPE MEETING - ONLINE

Enquiries to: E-mail: karen.wardle@nfdc.gov.uk
Tel: 023 8028 5071

PUBLIC PARTICIPATION:

*Members of the public may speak in accordance with the Council's public participation scheme:

- (a) immediately before the meeting starts, on items within the Panel's terms of reference which are not on the public agenda; and/or
- (b) on individual items on the public agenda, when the Chairman calls that item. Speeches may not exceed three minutes.

Anyone wishing to speak should contact the name and number shown above no later than 12.00 noon on Monday, 7 September 2020. This will allow the Council to provide public speakers with the necessary joining instructions for the Skype Meeting.

Bob Jackson
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 11 June 2020 as a correct record.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PUBLIC PARTICIPATION

To note any issues raised during the public participation period.

4. PORTFOLIO HOLDERS' REPORTS

To receive an oral update from the Portfolio Holders for Environment and Regulatory Services and for Planning and Infrastructure.

5. OFF STREET CAR PARKING STRATEGY

To receive an update on the development of the Off Street Car Parking Strategy.

6. MILFORD SEA WALL UPDATE

To receive an oral update on the situation regarding the Sea Wall in Milford.

7. PRE-APP PROTOCOL (Pages 5 - 20)

To consider the proposed draft Pre-App Protocol for planning applications.

8. WASTE STRATEGY UPDATE

To receive an oral update on the development of the Waste Strategy.

9. WORK PROGRAMME (Pages 21 - 22)

To agree the work programme to guide the Panel's activities over the coming months.

10. DATES OF MEETINGS 2021/2022

To agree the following dates of meetings for 2021/22 (Thursdays at 2.00 pm):

- 17 June 2021
- 9 September 2021
- 13 January 2022
- 10 March 2022

11. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

NEW FOREST DISTRICT COUNCIL – VIRTUAL MEETINGS

Background

This meeting is being held virtually with all participants accessing via Skype for Business.

A live stream will be available on YouTube to allow the press and public to view meetings in real time and can also be found at the relevant meeting page on the Council's website.

Principles for all meetings

The Chairman will read out Ground Rules at the start of the meeting for the benefit of all participants. All normal procedures for meetings apply as far as practicable, as the new Government Regulations do not amend any of the Council's existing Standing Orders.

The Ground Rules for all virtual meetings will include, but are not limited to, the following:-

- All participants are reminded that virtual public meetings are being broadcast live on YouTube and will be available for repeated viewing. Please be mindful of your camera and microphone setup and the images and sounds that will be broadcast on public record.
- All participants are asked to mute their microphones when not speaking to reduce feedback and background noise. Please only unmute your microphone and speak when invited to do so by the Chairman.
- Councillors in attendance that have not indicated their wish to speak in advance of the meeting can make a request to speak during the meeting by typing "RTS" (Request to Speak) in the Skype chat facility. Requests will be managed by the Chairman with support from Democratic Services. The Skype chat facility should not be used for any other purpose.
- All participants should note that the chat facility can be viewed by all those in attendance.
- All participants are asked to refer to the report number and page number within the agenda and reports pack so that there is a clear understanding of what is being discussed at all times.

Voting

When voting is required on a particular item, each councillor on the committee will be called to vote in turn by name, expressing their vote verbally. The outcome will be announced to the meeting. A recorded vote will not be reflected in the minutes of the meeting unless this is requested in accordance with the Council's Standing Orders.

By casting their vote, councillors do so in the acknowledgement that they were present for the duration of the item in question.

Technology

If individuals experience technical issues, the meeting will continue providing that it is quorate and it is still practical to do so. The Chairman will adjourn the meeting if technical issues cause the meeting to be inquorate, the live stream technology fails, or continuing is not practical.

Public Participation

Contact details to register to speak in accordance with the Council's Public Participation Procedures are on the front page of this agenda.

In order to speak at a virtual meeting, you must have the facility to join a Skype for Business Meeting. Joining instructions will be sent to registered speakers in advance of the meeting.

The Council will accept a written copy of a statement from registered speakers that do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes. Please use the contact details on the agenda front sheet for further information.

To: **Councillors:**

Steve Rippon-Swaine (Chairman)
Sue Bennison (Vice-Chairman)
Ann Bellows
Geoffrey Blunden
Allan Glass

Councillors:

Andrew Gossage
Stephanie Osborne
Tony Ring
Derek Tipp
Malcolm Wade

ENVIRONMENT AND OVERVIEW SCRUTINY PANEL – 10 SEPTEMBER 2020

PRE-APPLICATION ADVICE REVIEW

INTRODUCTION

- 1.1 The purpose of this report is to advise and update the Environment and Overview Scrutiny Panel on the current work to review the pre-application planning service and to seek the Panel's views. The report sets out a series of proposed changes to redesign the current service. There will be a report to Cabinet to agree a revised fee schedule to reflect the change to the service set out in this report.
- 1.2 This Council, in line with paragraphs 39 to 42 of the National Planning Policy Framework (NPPF), offers those wishing to carry out development in the District the opportunity to seek advice before making a planning application. This report follows a review of the current pre-application arrangements and makes a number of recommendations for change. The key objective of redesigning the pre-application service is to get a greater take up.
- 1.3 The Council's current offer in respect of pre-application engagement has been assessed against the best practice guidance produced by the Planning Advisory Service (PAS).
- 1.4 The report confirms the results of a survey of regular users of the Council pre application service and highlights improvements suggested by regular users.
- 1.5 The report identifies areas where the current pre-application service provided by the Council could be improved.
- 1.6 The Planning Advisory Service (part of the Local Government Association) in 2014 formed a cross sector group from Councils, the development industry and statutory consultees which led to good practice notes being published for pre-applications engagement*. Figure 1 below draws from this PAS report some of the key elements that make for a good pre-application service and these have been used to assess the Councils current offer.

Figure 1. Key Elements of a good pre-application service (PAS)	
1	How to access the pre-application service should be clear and easily accessible.
2	Opportunity for the prospective applicant to choose the level of pre-application service they require. However the LPA should advise and guide the prospective applicant to ensure the engagement is proportionate to the challenges of the proposal and that council officers' time is employed wisely.
3	The applicant must be clear about the information they are required to provide and this should only be for what is required for the level of advice sought.
4	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.
5	The LPA should use the process in guiding development by solving problems with the proposal and suggesting alternatives as appropriate.
6	There should be clarity in the advice given.
7	Does the published information guide the prospective applicant on what is appropriate to meet their requirements?
8	There should be published timescales for Issuing Pre-app responses.
9	LPA should use the process in guiding development by solving problems with the proposal and suggesting alternatives as appropriate.
10	Advice given should be clear.

11	A record should be kept of all pre-application advice.
12	Clear caveats on the weight to be attached to advice should be stated in any response.
13	There should be arrangements for keeping Councillors informed.
14	There should be clarity on confidentiality.
15	The charges should be clear on the service being offered.

Proportionate Pre-application Advice Service

1.7 What constitutes a good pre-application advice service will contain a number of levels, these can include:

- Clear information available online to enable a self-service approach
- Duty Planning Officers who can provide advice and guidance on simple matters and direct enquirers to the most appropriate levels of service
- Formal pre-application advice offering meetings and a written response
- Structured Pre-application negotiation using a Planning Performance Agreement (PPA)

The best practice guidance prepared by PAS advises that Councils offer those seeking planning advice different levels of service which in turn will have different charges based on the levels of staff time involved in assessing the proposal and preparing written responses. This may, for example, be a developer wishing to establish whether it is worthwhile going through the costs of preparing detailed proposals when it is unclear whether planning permission is likely to be granted so a response relating solely to the 'Principle of Development' would be required. In other instances a site may well be allocated for development within the adopted Local Plan and the developer will be seeking advice on what form that development would be most likely to receive support and here the amount of officer time required is likely to be proportionate to the complexities and scale of the development.

1.8 The structure of pre-application arrangements will also need to consider how it interacts with other specialist services, this may be relatively straightforward where those specialisms are within the Council but less so where an external body or consultants are considered necessary.

Charging for Pre-Application Advice

1.9 In setting pre-application fees it must be acknowledged that the purpose is to recover part or all of the cost of providing the pre-application advice. It is recognised that even pre-applications relating to similar developments will have different costs associated with them, this is no different than with a planning application fee. If a pre-application fee is broadly the same or higher than the planning fee then this could be a disincentive to using the service, especially as a refusal of a planning application can be followed by a 'free' go to address the issues. This would in fact be more costly to the Council than having set a lower pre-application fee.

1.10 These costs may not only be that of Planning Officers time but can also take into account administrative costs and other support costs whether other specialists from within the Council will be involved e.g. Environmental Health officers or specialists consultants e.g. to assess viability. Consideration also needs to be given to whether there should be exemptions from pre-application charges, these already exist for planning application fees and the principle examples are in respect of listed building works and adaptations of buildings for disabled persons.

2. RESULTS FROM REGULAR USERS SURVEY

- 2.1 Results from a regular users/ agents survey conducted in November 2019 suggested that agents tended not to use the pre-application service for smaller scale and householder development. The preference is to submit an application to bring out responses from consultees and the planning officer then withdrawing and resubmitting the application under a free go. This is a costly way for the Council to deliver its Planning Service.
- 2.2 The survey identified four areas that needed to be improved;
- Improved accessibility to obtain quick advice on straightforward matters
 - Anomalies in the charges for the service in relation to planning fees
 - Deliverable up front timescales, with greater prioritisation of pre-application enquiries both in registration and in assessment
 - Addressing issues around clarity and quality of advice given.

3. ASSESSMENT OF CURRENT ARRANGEMENTS

- 3.1 An assessment of the pre-application service provided by the Council against the criteria set out in the PAS guidance has been undertaken and this is set out **Appendix 1**.

This assessment has covered the following:

- Structure of Pre-application Advice
- Charging Rates
- Response Targets
- Community and Councillor Involvement
- Use of Planning Performance Agreements

Charging Rates

- 3.2 From the comparison of the fees charged by LPAs in the sub region (**Appendix 2**) it is noted that those of New Forest DC is higher than the average, in particular for householders and minor residential (1-3 dwellings) enquiries. New Forest DC is one of only a few Councils charging for enquiries relating to works affecting heritage assets where planning permission is not required. It is not possible to compare the uptake rate of advice between the Councils, however uptake rates on certain types of pre-application is low such as householder, with the regular users survey confirming that the cost is a disincentive.

Response Targets

- 3.3 Looking at LPA response times it was found that two LPA's did not clearly publish response times to pre-application enquiries and of those who do there are wide variations between those, who like New Forest DC, apply one target for most categories and Test Valley who have some variation based on scale/complexity of the proposed development (see **Appendix 3**).

Community and Councillor Involvement

- 3.4 The online information needs to make reference to NPPF advice encouraging those proposing developments to engage with the local community at an early stage. There are no formal arrangements currently in place for informing ward members or the Portfolio holder of enquiries or for developer to present at open forums. Informal briefings of pre-applications have now started taking place with ward members in relation to strategic sites, further work is needed to develop a Protocol for developers to present schemes to members and interested parties at an open forum.

Use of Planning Performance Agreements

- 3.5 The information regarding pre-application advice published online currently contains no details of how the Council use Planning Performance Agreements. These have started to be used on some of the strategic sites that are in pre-application but this needs to be formalised as part of the redesigned pre-application service.

4. PROPOSED CHANGES

- 4.1 From the assessment undertaken of the Council's pre-application service it is evident that the information published online and the way the service is structured together with the fees need to be revised to make it more customer focused. From the assessment it is considered there are both several initial changes which can be introduced and other changes which link into other actions that are part of the on-going work reviewing the way the Planning function is delivered.

Initial Changes

- Change category structure
- Changes to response targets
- Introduce new pre-application enquiry forms and response templates
- Introduce use of Planning Performance Agreements
- Review staff hourly rate
- Review and update Website
- Introduce a new charging schedule
- Establish a virtual duty officer system

Longer term actions

- Establish a duty officer system
- Establish a Protocol for Open Forum Developers Presentations
- Establish formal pre-application arrangement with HCC/DEFRA

Change category structure, response targets and charges

- 4.2 Revise the structure the pre-application pages online into user based categories.
- Planning for Householders
 - Planning for Businesses
 - Planning for Residential Development
 - Conservation Areas and Listed Buildings

Within these categories different levels of service should be provided. A revised response time is set out at **Appendix 4**.

Changes to the NFDC web pages

- 4.3 Changing the way pre-application advice is structured and what is published online. As an example Figure 1 below shows how the web pages could be organised in respect of 'Planning for Householders'. The other user focussed headings listed above would appear on the Planning Front Page.

1 NFDC Home Page Planning link
2. Planning Front Page Headings for links to pages on the following: <ul style="list-style-type: none">- Is New Forest District Council my Planning Authority- Planning for Householders- Planning for Businesses- Planning for Residential Development- Conservation Areas and Listed Buildings- Trees and Hedges- Planning Enforcement- Search Planning Applications
3. Planning for Householders This new page would include links to: <ul style="list-style-type: none">- How to get pre-application advice- What if I live in a Conservation Area or listed Building- Making a Planning Application- What happens after the application is submitted- Appealing a planning decision
4. How to get pre-application advice
5. Link to Householder pre-application Form

Implementing the changes to the Pre-Application Service

- 4.4 It is the intention to introduce the changes outlined in this report with any modification from 1st January 2021 and this will require a number of actions and tasks to be undertaken, this will require inputs from staff in Planning Support and some support from IT. Before the arrangements for charging and types of pre-application offered there will be consultation which will be concluded by mid November. A number of actions will be required before the new arrangements are launched:

- Design of new online forms
- Revision of online guidance notes for new process
- Revision of the Planning pages on the web site
- Explore Acolaid functionality and automation
- Design new standard response templates
- Training for planning officers and support staff

- 4.5 **Use of Acolaid software:** The Acolaid software is currently the core system within DM and whilst there is a project to replace this system changes to the pre application service needs to change in advance of a replacement system. Any work that is done to change the current way of working will provide a solid foundation to migration to a new system and is work that needs to be done as part of system migration. The following elements will need to be considered in taking forward the changes:

- to explore automation for populating Acolaid from online forms submitting, and establish how comprehensive this can be.

- align pre-app registration with application validation process to ensure consistency. Cases to be added to GIS to ensure full case history is available for officers.
- ensure level of service requested (including meetings) is recorded in Acolaid correctly to allow accurate response time monitoring
- Revise standard letter response templates to reflect the pre-app level sought. Increase automation and standard paragraphs.
- where meetings are held meeting date be logged in the actions screen to allow monitoring, minutes including actions to be circulated and agreed.
- all relevant correspondence to be uploaded to Acolaid more consistently
- use of Enterprise to monitor tasks/workloads/completions and assist with case allocations.

4.6 It is considered essential for the overall approach to work that appropriate smart forms can be developed to direct users to the correct course of action and redirect if the user indicates they are seeking advice which is inconsistent with their chosen option. Other requirements:

- online payments facility
- online duty rota (when Duty Officer system introduced)
- Staff Training
- auto allocation to officer 'on duty' of the appointment slot
- documents submitted online should be auto uploaded to Document Management System

5. CONSULTATIONS

5.1 Before the introduction of any changes to the pre-application arrangements are launched the proposed revisions outlined in this report will be the subject to consultation with the regular users who took part in the original survey. Regular users of the Service were made aware that work was underway to review the way the Pre-application was being delivered. The consultation will take place over a 4 week period starting in mid October 2020.

5.2 There will also be further internal consultation with other Council Services who provide specialist advice. Further work will be done with the Finance team to confirm the hourly rate of all officers involved and to test the revised fee schedule. There will also be work to look at recharging back to teams that provide specialist advice outside the Planning Service most notably Environmental Health, There will also need to be confirmation that there is enough capacity within the IT team to support changes that may be needed to Acoloid.

6. FINANCIAL IMPLICATIONS

6.1 The main financial implications are associated with three areas:

- a revised fee schedule
- introduction of Planning Performance Agreements with unique fee agreement
- a new fee for the duty officer surgery

As part of this process benchmarking against other authorities has been undertaken (see **Appendix 3**) and it was evident that the current fee schedule is out of step with the charging levels applied elsewhere, particularly in relation to householder enquiries.

7. CRIME & DISORDER, ENVIRONMENTAL, DATA PROTECTION IMPLICATIONS

- 7.1 There are no crime and disorder, environmental or data protection issues arising directly from this report.

8. EQUALITY & DIVERSITY IMPLICATIONS

- 8.1 It is considered that there are no specific equalities implications. Pre-application advice is offered on a without prejudice basis and operates within the constraints of the Development Plan. This service and surgery will be fully inclusive and available to all.

9. DATA PROTECTION IMPLICATIONS

- 9.1 None

10. RECOMMENDATION

- 10.1 A full report will go to the October Cabinet meeting summarising the changes to the pre application service and setting out a revised fee charging schedule. The Environment and Overview Panel are asked to advise Cabinet of its view of the proposed changes to the pre-application service as set out in this report.

Further Information

Claire Upton-Brown

Claire.upton-brown@NFDC.gov.uk

Tel: 023 8028 5345

This page is intentionally left blank

ASSESSMENT OF CURRENT PRE-APPLICATION ARRANGEMENTS	
PAS Criteria	Assessment
1. Accessibility and clarity of the service offer	The Councils pre-application service is accessed online through a Development Management front page. Currently this page links to 18 other pages relating to different types of proposal or levels of service. This is unnecessarily complicated and needs simplification.
2. Differing levels of service should be offered.	The prospective applicants are offered different levels of service but how these interrelate is not clear. For other types of development proposals it is not readily apparent that two levels of service are being offered i.e. whether in principle a development could be acceptable and where it is given on such details as design, site layout etc. Published information needs to be clearer regarding situations where the enquirer would like a meeting or where the LPA consider a meeting would be appropriate.
3. Does the published information guide the prospective applicant on what is appropriate to meet their requirements?	It is not evident for the prospective applicant as to the information that they need to supply e.g. a small business wanting to find out whether in principle what they wanted to do was acceptable in a specific location could go to the page headed 'SMALL SCALE RESIDENTIAL AND COMMERCIAL PRE APPLICATION ADVICE ENQUIRY FORM' and find they are required to provide plans on what they want to build putting them to possibly unnecessary expense.
4. Published timescales for Issuing Pre-app responses	The timescales for responses do not differentiate between enquiries of different complexities e.g., responses on simple householder enquiry for an extension and development of 9 houses are both as being provided within 20 working days of receipt. There additionally is no consideration of adjusting timescales for responses where a meeting may be required. See table Y below which provides a comparison of response targets for several LPAs.
5. LPA should use the process in guiding development by solving problems with the proposal and suggesting alternatives as appropriate	Current quality of the responses provided has not been assessed as part of this exercise.
6. Is there clarity in the advice given	Currently the details of the pre-application service published online sets out for each of the categories the information that will be provided in the response letter. Feedback from regular users suggested that some of the information provided is of little benefit for the enquirer. A more proportionate form of response could provide more focused information needed by the prospective applicant and this could avoid unnecessary work for the planning officer.
7. A record should be kept of all pre-application advice	This is undertaken.

<p>8. Responses should be clear that:</p> <p>9. circumstances and policy considerations can change over time, and</p> <p>10. the response is an officer opinion which is not binding on the consideration of any planning application.</p>	<p>This will be covered in the pre-application templates.</p>
<p>11. There should be arrangements in their pre-application offer for informing ward councillors and cabinet members of pre-application discussions happening in the area.</p>	<p>This will be covered in a review of the Protocol</p>
<p>12. LPAs should be clear about their practice regarding the disclosure of pre-application discussions and explain this in their service offer. Once a planning application is submitted the best practice is that the advice given is published.</p>	<p>Most authorities treat pre-application enquiries confidentially unless the enquirer has agreed that they can be publicised. Need to confirm that pre-application will be confidential.</p>
<p>13. The charges should be clear in the service offer and should relate directly to the services provided within each tier of the offer.</p>	<p>Charging arrangement are not clearly set out.</p>

PRE-APPLICATION FEE COMPARISONS (WHERE ADDITIONAL MEETING CHARGE IS PAYABLE FEE GIVEN IS ONLY FOR A WRITTEN RESPONSE)

LPA	Householder	1-3 dwellings	4-9 dwellings	Major 10-25 dwellings	Major 25+	Heritage asset
New Forest District Council	£130/£211	£396	£726	£1188	Negotiable	£66/£198
New Forest NP	£45	1 £95 2-5 £175	6-10 £495	10+ 25% application fee		£25
Basingstoke	free	25% of application fee	25% of application fee	25% of application fee	25% of application fee	No charge
BCP	£100 or 10% of full fee whichever it's the greater	£180 or 10% of full fee whichever it's the greater	£180 or 10% of full fee whichever it's the greater	£380 or 10% of full fee whichever it's the greater	£720 or 10% of full fee whichever it's the greater	£100 or 10% of full fee whichever it's the greater
Eastleigh	£81.75	£265	£445	£1035	£1035	No charge
South Downs	No charge	£240	£360	10-29 £900	30-99 £1800	No charge
Test Valley	£58	1 £144 2-5 £259	6-9 £432	10+ 10% of full fee		£25
Wiltshire	£75	1 £140 2-4 £350	5-9 £700	£1150	10% planning fee	No charge
Winchester	No charge	Full £420 DIP £102	Full £420 DIP £102	Full £720 DIP £132	Full £980 DIP £186	No charge

This page is intentionally left blank

COMPARISON OF LPA PRE-APPLICATION RESPONSE TARGETS

LPA	Householder	1-3 dwellings	4-9 dwellings	Major 10-25 dwellings	Major 25+	Heritage Asset
New Forest District Council	20 days	20 days	20 days	20 days	negotiable	20 days
New Forest NP						
Basingstoke						
BCP	20 days	20 days	20 days	20 days	20 days	20 days
Eastleigh	28 days	28 days	28 days	28 days	28 days	28 days
South Downs	20 days	25 days	25 days	25 days	25 days	20 days
Test Valley	25 days	25 days	25 days	40 days	40 days	25 days
Wiltshire	20 days	20 days	20 days	20 days	20 days	20 days
Winchester						

This page is intentionally left blank

REVISED RESPONSE TIMES

Category	Timescale
Category 1 -booked duty office meeting (Householder and small business development)	Meeting to be booked at least 2 working days prior to meeting
Category 2 householder enquiry	20 working days 25 working days if meeting required
Category 3 In principle enquiry	25 working days 30 days if meeting requested
Category 4 pre application enquiry seeking full advice	30 working days 40 if meeting requested

This page is intentionally left blank

ENVIRONMENT OVERVIEW AND SCRUTINY PANEL

WORK PROGRAMME 2020/21

ITEM	OBJECTIVE	METHOD	LEAD OFFICER
14 JANUARY 2021			
Behaviour Change Litter Initiative	To receive an update on this work	Officer report	Nicola Plummer
Fuel/Emission Efficient Vehicles	To be updated on the trial of small electric vans within the Council's fleet of vehicles	Officer report	Colin Read, Chris Noble/ Rob Lane
Waste Strategy update	To receive an update on the work of the working group	Oral update	Chris Noble
11 MARCH 2021			
Waste Strategy update	To receive an update on the work of the working group	Oral update	Chris Noble
FOR LATER CONSIDERATION			
Environmental Strategy	To consider the draft environmental strategy that will develop an overarching framework for the Council's environmental activities	Officer report	Colin Read
Planning Design Guidance		Officer report	Claire Upton-Brown
Green Space signage / protocol		Officer report	Claire Upton-Brown / James Smith
Review of Street Cleansing Activities and Standards	To receive an update on the review of street cleaning activities and standards	Officer report or oral update	Rob Lane / Colin Read

This page is intentionally left blank