

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

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