

REVISED PRE-APPLICATION SERVICE

1. RECOMMENDATIONS

1.1 It is recommended that the Cabinet:

- i) agree to a 4 week consultation on the proposed redesigned pre-application planning service.
- ii) That the outcome of the consultation be reported back to Cabinet for it to consider whether the redesigned service should be launched in January 2021.

2. INTRODUCTION

2.1 The purpose of this report is for the Cabinet to consider the proposed the finding of the review of the current pre application service and consider the proposed changes and to seek authority to consult regular users of the service on the proposed changes. Whilst a revised fee schedule is appended for information the Portfolio Holder for Planning and Infrastructure will agree the revised fee schedule. The report sets out a series of proposed changes to redesign the current service.

3. BACKGROUND

- 3.1 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 resigning the pre-application service is to get a greater take up of the service and ensure that the advice given is both proportionate and gives the customer clarity on whether the proposed development is acceptable.
- 3.2 The Council's current pre-application service has been assessed against the best practice guidance produced by the Planning Advisory Service (PAS).
- 3.3 A regular user survey has also been carried out to understand users views on the current service. The report confirms the results of the survey and highlights improvements suggested by regular users.
- 3.4 The report identifies areas where the current pre-application service provided by the Council could be improved.
- 3.5 The Planning Advisory Service (PAS) (part of the Local Government Association) in 2014 formed a cross sector group from Councils, the development industry and statutory consultees which led to a Pre-applications Engagement* good practice notes being published. 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)
How to access the pre-application service should be clear and easily accessible.
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.
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.
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.
The LPA should use the process in guiding development by solving problems with the proposal and suggesting alternatives as appropriate.
There should be clarity in the advice given.
Does the published information guide the prospective applicant on what is appropriate to meet their requirements?
There should be published timescales for Issuing Pre-app responses.
LPA should use the process in guiding development by solving problems with the proposal and suggesting alternatives as appropriate.
Advice given should be clear.
A record should be kept of all pre-application advice.
Clear caveats on the weight to be attached to advice should be stated in any response.
There should be arrangements for keeping Councillors informed.
There should be clarity on confidentiality.
The charges should be clear on the service being offered.

Proportionate Pre-application Advice Service

3.6 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.

- 3.7 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

- 3.8 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 may require differing levels of resource and therefore 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.
- 3.9 The costs of the service will not only be that of Planning Officers time but can also need to include administrative costs and other support costs when other specialists from within the Council are involved e.g. Environmental Health officers. 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.

RESULTS FROM REGULAR USERS SURVEY

- 3.10 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.
- 3.11 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.

4. ASSESMENT OF CURRENT ARRANGEMENTS

- 4.1 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

- 4.2 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. There is also no charging schedule of commercial development. 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 our 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

- 4.3 Looking at LPA response times it was found that some 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

- 4.4 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. Currently there is no reference on the Website to the Council's position on the status of pre-application engagement. It is acknowledged that there are commercial sensitivities around projects however other than pre applications relating to Strategic sites the receipt of pre application enquiries will be made visible on the Web, responses to householder pre applications will be published on date of response.

Use of Planning Performance Agreements

- 4.5 The information regarding pre-application advice published online currently contains no details of how the Council use Planning Performance Agreements. Template Planning Performance Agreement have been drafted and whilst these have started to be used on some of the strategic sites that are in pre-application the arrangement needs to be formalised as part of the redesigned pre-application service.

5. PROPOSED CHANGES

- 5.1 From the assessment undertaken of the Council's pre-application service it is evident that the way the service is structured, the information published online and the fee structure needs to be revised to make it more customer focused. From the assessment it is considered there are 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 and publish draft template
- Review staff hourly rate
- Review and update Website
- Introduce a new charging schedule
- Establish a virtual duty officer system
- Introduce a member Communication Strategy

Longer term actions

- Establish a duty officer system
- Establish a Protocol for Open Forum Developers Presentations
- Establish formal pre-application arrangement with HCC/DEFRA
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Change category structure, response targets and charges

- 5.2 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
 - Trees and Hedges

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

- 5.3 Changing the way pre-application advice is structured and what is published online.

Implementing the changes to the Pre-Application Service

- 5.4 It is the intention to introduce the changes outlined in this report with any modification from 2nd 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 revised service is implemented there will be consultation which will be concluded by mid November

with a report to the December Cabinet meeting. 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 and implement accordingly
- Design new standard response templates
- Training for planning officers and support staff

5.5 **Use of Acolaid software:** The Acolaid software is currently the core system within Planning 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/IDOX more consistently
- use of Enterprise to monitor tasks/workloads/completions and assist with case allocations.

5.6 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

6. CONSULTATIONS

- 6.1 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.
- 6.2 There will also be further internal consultation with other Council Services who provide specialist advice. Work has been 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.

7. CONCLUSION

- 7.1 Providing a quality pre-application service is important both to ensure that we deliver quality development and to ensure an efficient and cost effective service. The Environment Overview and Scrutiny Panel was supportive of the suggested changes having considered it at its meeting on the 10th September 2020.

8. FINANCIAL IMPLICATIONS

- 8.1 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.

- 8.2 Whilst the decision on the fee schedule is a Portfolio decision Appendix 5 sets out the proposed revised fee schedule.

9. CRIME & DISORDER, ENVIRONMENTAL, DATA PROTECTION IMPLICATIONS

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

10. EQUALITY & DIVERSITY IMPLICATIONS

10.1 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.

11. PORTFOLIO HOLDER COMMENTS

11.1 I am of the firm belief that appropriate pre-application discussions and advice delivers a better quality of development for our residents and a faster, more streamlined and efficient process for planning applicants. I therefore support this consultation on proposed changes to the Council's pre-application advice service and look forward to the report on the consultation responses at a future meeting. I support the recommendations

Further Information

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Appendix 1. 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.
8. Responses should be clear that: 9. circumstances and policy considerations can change over time, and 10. the response is an officer opinion which is not binding on the consideration of any planning application.	This will be covered in the pre-application templates.
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.	This will be covered in a review of the Protocol
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.	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.
13. The charges should be clear in the service offer and should relate directly to the services provided within each tier of the offer.	Charging arrangement are not clearly set out.

Appendix 2: 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	£60	1 £125 2-5 £ 250	6-10 £650	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+ £763	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

Appendix 3: 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						

Appendix 4 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
Strategic Development sites	Agreed programme

Appendix 5 proposed revised fee schedule

Proposal	Fee
Householder	£60
Erection of Residential Development	
1 dwelling	£125
2-5 dwellings	£250
6-9 dwellings	£650
10-25 dwellings	£1100
25 plus	Negotiable
Industrial/commercial/agricultural and development not covered by other fee categories	
0-99m ²	£125
100-499m ²	£250
500-999m ²	£500
1,000m ²	£700 or 10% of full planning fee whichever the greater
Other development proposals	
Change of Use	£125
Advertisements	£60
Shop fronts	£60
Variation of Condition	£60
Formal enquiry relating to trees	£60

The following categories will be exempt from pre-application advice charges:

- Listed building applications where there is no associated planning application
- Proposals made by, or on behalf of town or parish councils, local authorities or county council
- Conservation Area demolition
- Alterations to dwelling houses or buildings to which members of the public are admitted for the purpose of providing means of access for disabled persons
- Affordable housing exception schemes in Rural areas by Registered Providers