



Planning Pre-Application Service Protocol

(Amended April 2018)

1. Introduction

The Council has been operating a formal, chargeable pre-application service since April 2014 which has been operating well, both in terms of providing an effective service for applicants engaging with the department in advance of formal submission, and in ensuring that the costs of providing this important service are met.

With effect from 16th March 2016, the Welsh Government has required all Local Planning Authorities (LPAs) in Wales to provide a **statutory pre-application service**. As a consequence, LPAs are now required, when requested by an applicant, to provide pre-application advice before an application for full or outline planning permission or an application pursuant to section 73 of the 1990 Act is made to them.

The Council's Pre-Application Service Protocol was amended with effect from 16th March 2016 to reflect the statutory procedures introduced by The Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016 ("the Pre-Application Services Regulations").

The Protocol has been further updated with effect from April 2018 to refer to the opportunity to include the potential for use of Planning Performance Agreements (PPAs) on large-scale developments to reflect the Council's commitment to develop strong working relationships with developers to deliver projects through the planning process from inception to implementation in an efficient manner.

2. What does this guidance note cover?

This guidance covers the provision of pre-application advice by the Planning Department of NPT as follows: -

- The Statutory Pre-Application Service offered by NPT (*Section 5*)
- Provision of additional advice following an initial written response received under the statutory service (*Section 6.1*)
- Non-Statutory Pre-Application Advice (*Section 6.2*)
- Planning Performance Agreements (PPAs) (*Section 6.3*)

Please note that this protocol does not cover the information in respect of the formal requirement for developers proposing 'major development' or Developments of National Significance (DNS) to undertake Pre-Application Consultation (PAC) under Section 17 of the Planning (Wales) Act 2015 and Part 1A¹ of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).

Developers are encouraged, however, to undertake formal pre-application discussions with the LPA alongside such pre-application consultation.

¹ Introduced by Article 4 of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

3. Pre-Application Advice Service Commitment

The Council's approach to Development Management continues to place significant importance upon the provision of the best possible advice to a potential developer / applicant before a formal planning application is submitted.

The Planning department prides itself on the service it offers the public both as part of the formal application process and in engaging with the customer in providing quality pre-application advice.

Our service commitment to you: -

We will actively engage with our customers to provide high quality pre-application advice on all development proposals, offering an individual service with the primary aim of 'Delivering Quality Development Quickly'.

4. The Benefits of Obtaining our Pre-Application Advice

We have found that engaging with our customers at the earliest stage in the life of a planning proposal is critical to the Planning Department's key aim to "Deliver Quality Development Quickly", and delivers key benefits to our customers including: -

- Improving the **speed** of decision making and **quality** of development proposals.
- Helping you **understand** how our Policies and other material planning considerations will be applied to your development.
- Identifying potential **constraints** and whether you will need to get specialist help, for example in relation to listed buildings, trees, landscape, noise, flooding, transport, contaminated land, ecology or archaeology.
- Obtaining a view from a Planning Officer about whether your development is likely to be acceptable (subject, of course, to an assessment at application stage following statutory and public consultation), and if it is not acceptable, the ability to identify potential **solutions** at an early stage. Alternatively if your proposals are completely unacceptable, this service will potentially **save** you time and cost in pursuing an application.
- Providing an opportunity to identify local issues that could influence the design of the development or help to address community concerns.
- Advising you on the **information** needed to support your application, thus giving you the best chance of submitting a valid and comprehensive application which can be progressed straight away.
- A reduction in time spent by your own professional advisors in working up proposals.

5. Statutory Pre-Application Service

With effect from 16th March 2016, the Welsh Government has required all Local Planning Authorities (LPAs) in Wales to provide a **statutory pre-application service**.

This statutory service relates to the provision of advice in advance of submission of a planning application for full or outline planning permission or an application pursuant to section 73 of the 1990 Act ². This does not cover advice on retrospective development.

Charges for Statutory Pre-Application Advice

The charges for the statutory pre-application service within this Protocol are nationally-set by Welsh Government ³ and can be found in the charging schedule at Appendix A.

Please note that, on advice from HM Revenue & Customs, VAT is not payable on the statutory pre-application service.

Please note that once a request for pre-application advice has been validated, fees are non-refundable.

What can you expect from us?

Following submission of a statutory application form (found at Appendix B) and the information detailed in section 8 of this Guidance Note, the allocated Case Officer will: -

- Contact you to discuss your request
- At the discretion of the Case Officer (with the exception of householder development) arrange a site visit or meeting
 - Please note that, while the Welsh Government does NOT expect the statutory service to include a meeting, given our Pre-Application Advice Service Commitment above, we feel it is appropriate (with the exception of householder development) for us to offer a single meeting with a Planning Officer as part of the statutory service.
- Provide you with a written response within 21 days (or such later date as may be agreed in writing with you), covering the matters detailed in section 9 below.

Please note that: -

- The fees cover all Officer and administration costs involved in researching and responding to a request for advice in writing.
- The fees listed in this protocol are in addition to the fees payable for the submission of applications. If you make an application having received advice for which you have paid, the full application submission fee remains applicable.

² Determination of applications to develop land without compliance with conditions previously attached.
<http://www.legislation.gov.uk/ukpga/1990/8/section/73>

³ By the *Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016* which amend the *Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015*.

- The statutory pre-application service is **not confidential**, and all correspondence and details will be publicly available on the Council's Part 1 Planning Register. See section 13 below for more information on confidentiality, and the non-statutory service.
- The provision of advice under the Statutory Pre-Application service ends on the date a written receipt of the council's written response
- Additional pre-application advice is covered by the Council's non-statutory service (section 6 below)

6. Additional Non-Statutory Pre-Application Services

The Welsh Government has made it clear that any additional written advice or meetings from LPAs to applicants regarding their pre-application enquiry will not form part of the statutory service. However, should a Local Planning Authority wish to provide potential applicants with information beyond that required by the Pre-Application Services Regulations, they will continue to have the ability to offer a discretionary service and charge a fee in accordance with section 93 of the Local Government Act 2003.

Having regard to the above, the Council offers the following additional pre-application services: -

6.1 Provision of Additional Non-Statutory Pre-Application Advice following receipt of initial written response

As advised above, the statutory pre-application service formally ends on the issue of a written response to your request.

Should you wish to engage in additional / further discussions or meetings with Officers, or require an additional written response to amended drawings following receipt of our initial response, these will be provided as a new 'non-statutory' response in accordance with the charging schedule at Appendix A. We informally call this our "bridging service".

You will be required to provide such fees upfront, or to provide written guarantee that such fees will be paid at an agreed date.

6.2 Provision of Non-Statutory Pre-Application Advice (*instead* of using statutory service)

We would encourage you to use the statutory service outlined above to provide initial pre-application advice. We acknowledge, however that there will be occasions when you may wish to engage with the Council *outside* of the statutory pre-application service, either because you would prefer for such discussions to be confidential (subject to Section 13 below), or are looking for a different service to that offered under the statutory service.

In seeking to provide you with a comprehensive service, it is noted that, with the exception of particularly complex or specialist applications (see below), the following charges will provide you with a full pre-application advice service, including up to two meetings with the planning case officer and, if considered appropriate, other internal advisors such as highways or ecology, together with follow up discussions with the case officer by phone or email.

Should you wish to request non-statutory pre-application advice, the fees are set out in the charging schedule at Appendix A.

Large scale or complex/specialist applications

There will be occasions when developments, by reason of their size or complexity, will require a level of input from Officers of the Council in excess of that offered by the statutory service and the 'standard' non-statutory service. In such cases, it is expected that there may be a need for a series of meetings leading up to the submission of an application, which could include the need for attendance of specialists from other sections of the Council.

To request such additional service, you are requested to contact the Development Management team in advance so that agreement may be reached. Alternatively, the option to enter into a Planning Performance Agreements (PPA) is detailed below.

6.3 Planning Performance Agreements (PPAs)

For particularly large-scale, complex or strategic developments, or those where developers are keen to progress through the planning process expeditiously to allow for development to commence at the earliest opportunity, the Council offers the opportunity to enter into a Planning Performance Agreement (PPA).

In addition, the Council will expect any developer proposing a Development of National Significance (DNS) or Nationally Significant Infrastructure Project (NSIP) within or significantly affecting Neath Port Talbot, to enter into a PPA.

What a PPA allows the Council to do is commit staff resources throughout the project period, and thus in doing so provide prospective developers or their agents the certainty and assurance that the appropriate resources have been put in place for the planning team to be able to prioritise work on the project. This enables us to engage and react swiftly to the increased demands on our service, frontload negotiations as far as practically possible and provide the development with the best opportunity to progress to a planning decision (at all stages) in a swift and professional manner.

While the exact terms of and charges for any PPA are subject to discussions between developers and the Development Manager – Planning, these can cover all or some of the following: -

- Pre-Application Discussions only
- Post-Decision handling of condition approval/ discharge to facilitate early implementation of the development; or
- The totality of our work in dealing with a matter from pre-application discussions, application(s), and dealing with post-approval conditions

The Council will normally expect any PPA to include an arrangement fee for setting up the Agreement and establishing the project timeframe (including ongoing review and amendments that may be required in the future), and then either monthly or quarterly fee to cover provision of advice for the duration of the agreement. Exceptionally, payment may also be agreed based upon agreed 'triggers' relating to specified phases of the project.

7. Developments Exempt from Fees (Free Non-Statutory Pre-Application Advice)

The statutory pre-application service covers all applications for full or outline planning permission or an application pursuant to section 73 (to develop land without compliance with conditions previously attached) of the 1990 Act.

Although the provision of pre-application services involves considerable Officer time, it has been decided that we shall continue to provide pre-application advice free of charge for the following types of development:

- Heritage Proposals: i.e. works that only require either Listed Building and/or Conservation Area Consent;
- Advice in respect of Protected Trees;
- Proposals for a non-profit making community facility or scheme, promoted by a registered charity or Voluntary Sector Organisation

8. How to request pre-application advice

Do you need to submit an Application Form?

Statutory Service

All requests for pre-application advice **must** be made on the prescribed pre-application advice enquiry form, a copy of which is provided at Appendix B, or can be downloaded at www.npt.gov.uk/planning.

Non-Statutory Service

Your request can be made by letter or email. You do not need to complete a form (although you can use the form should you so wish, but make it clear you are seeking non-statutory advice)

Information Required to Accompany your Request for Advice

Before we can start work on your request, the Regulations require (for statutory requests) that to validate your Request for Advice, as a minimum you must submit the information detailed below: -

- Name, Address and Contact Details
 - Description of the proposal (including an indication of increase in floorspace, and/ or number of new units proposed)
 - Site Address
 - Location Plan
 - Fee
-
- Enquiries relating to householder development will need to be supported by elevation drawings

The guidance notes that developers will benefit from providing the LPA with as much information as possible in order to facilitate an informed and focussed response. **Ultimately, the more information you are able to provide us with at the outset, the better quality of advice we will be able to offer you.**

It would therefore be beneficial if you also included additional information such as: -

- Plans / sketch drawings providing details of the proposal (to a recognised scale).
- Photographs of the site and surrounding area, with particular regard to any nearby houses or other development which might be affected by your proposal
- Access and parking arrangements.
- Additional supporting information and reports, including those relating to constraints on or around the site, including: -
 - Ecological Surveys
 - Landscape Assessments
 - Contamination issues
 - Flooding and Flood Consequences
 - Transport / Highways Issues

While there are no minimum requirements for the non-statutory service, you are encouraged to submit the above information, since without it we will be unable to provide you with the best response.

Where to send your Request

Please send the information above to 'Planning - Development Management' either:

- i) By email to planning@npt.gov.uk
- or
- ii) By Post to: - The Quays,
Brunel Way,
Port Talbot SA11 2GG

9. What level of advice do we offer you as part of our Service?

This protocol emphasises at the outset that the Planning department seeks to 'Deliver Quality Development Quickly', and prides itself on the service it offers the public. Engaging with all of our customers and providing high quality pre-application advice is a key commitment of this service.

What Advice can you expect from us?

As well as engaging with you personally on all requests for advice, the matters which could be the subject of our pre-application advice include:-

For **Householder Development** enquiries:

- (i) Relevant planning history of the site.
- (ii) Relevant development plan policies against which the proposal will be assessed.
- (iii) Any relevant supplementary planning guidance.
- (iv) Any other material planning considerations.
- (v) Views of the case officer that address the merits of the proposal.

For **all other enquiries**:

- (i) Relevant planning history
- (ii) Relevant development plan policies against which the proposal will be assessed.
- (iii) Any relevant supplementary planning guidance.

- (iv) Any other material planning considerations.
- (v) Whether any Section 106 contributions are likely to be sought and an indication of the scope and amount of these contributions, for example affordable housing, education, open space, sustainable transport.
- (vi) The information required to enable validation of any subsequent application.
- (vii) Informal, and without prejudice, **comments on the planning merits** of your proposals including, where appropriate, advice on design, and preparation and presentation of an application likely to satisfy the Council's planning policies.

For all enquiries we will also provide advice regarding the **procedure**, consultation arrangements and **estimated time scale** for processing the application.

10. Timescales

Following receipt of a valid request for pre-application advice, we will endeavour to respond to your enquiry as soon as possible, and to keep you informed on progress. Please note, however, the Regulations require LPAs to provide a written response to all valid statutory pre-application enquiries within 21 days, unless an extension of time is agreed between the Authority and applicant.

We aim to progress your enquiry within the following rough timescales: -

1. Allocation of your Request to Case Officer	(within 2 working days)
On receipt of your initial enquiry, it will be allocated to a Case Officer by the Development Manager or relevant Team Leader. The level of their seniority and experience would depend on the nature of the proposal and this remains at the discretion of the Council. In most circumstances the same officer will also deal with the planning application.	
2. Review of Submissions	(within 3 working days)
The Case Officer will review the submission to determine whether the request is valid. If any required information or fee is outstanding, the Officer will contact you to advise. Your enquiry will not be progressed further until the required fee has been received.	
3. First Contact	(within 5 working days)
The Case Officer will contact you by phone or email to discuss any outstanding or required information, and advise on the next steps, including an assessment of the time that will be required to deal with the enquiry. Unless specifically requested, we will <u>not</u> acknowledge your enquiry, given that officers will contact you directly to confirm receipt. A receipt for the fee will be issued.	
4. Arrangements for Site Visit (in appropriate cases)	(within 5 working days)
If the Case Officer considers a site visit is necessary, you will be advised accordingly so that arrangements can be made for access to the site or for the Officer to be met.	

5. Arrangements for Meeting (in appropriate cases)	(within 7 working days)
<p>Where a meeting is sought or considered necessary by the Case Officer, they will contact you to arrange a suitable date. Meetings will usually be held within 2 weeks of receipt, although this will depend on the complexity of the scheme and the amount of preparation that will be needed beforehand. This may include any time necessary to obtain initial views of other interested parties such as Highways or Ecology, or to arrange for their attendance. No meetings will take place without prior sight of the required information.</p> <p>Meetings will usually be held at the Council offices (The Quays, Baglan Energy Park), unless a specific site meeting has been agreed by the Case Officer. As a guide, meetings should not normally last more than 2 hours for 'large major' and 'major' proposals and 1 hour for other proposals.</p> <p>It will not normally be necessary for a meeting in respect of householder developments.</p>	
6. Written Response	(within 21 days or other agreed timescale)
<p>Once the Officer has the appropriate information necessary to assess your proposals, and following any necessary discussion with the applicant to provide the level of service agreed at the outset, a written response will be prepared and, where an email address has been provided, sent electronically.</p>	

Should Officers consider it likely that additional time will be required to respond, we will contact you as soon as possible to agree an appropriate timescale for a response.

11. Your Planning Application

The Council's expectation is that applicants will pay appropriate regard to the advice given at pre-application stage in order to deliver a valid and acceptable application which has the best chance of success at formal application stage.

Should you choose not to follow the advice offered, we would also expect you to make it clear in the submissions accompanying your planning application *why* you have chosen not to amend your scheme to reflect such discussions.

You should note, however, that any pre-application advice given by Council officers (whether verbal, written, paid for or free of charge) is **informal Officer advice**, provided on a without prejudice basis (see disclaimer below).

12. Payment of Fees

Any requests for pre-application advice must be accompanied by the relevant fee, without which advice cannot be provided.

Each project or separate site referred to in an enquiry will be charged at the appropriate rate. Multiple requests for advice in respect of different sites will attract the appropriate multiple fees.

Payment of fees can be made:-

- By cheque, which should be made payable to *Neath Port Talbot CBC* and sent to: - Planning, The Quays, Brunel Way, Port Talbot SA11 2GG.
- Online by following links at www.npt.gov.uk/planning

13. Disputes over Fees

As stated above, the charges for the statutory pre-application service are set by Welsh Government, and are non-refundable.

In respect of other charges, the Council has the right to determine the fee. In the event of any disputes, the issue will be referred to the Council's Head of Planning and Public Protection who will arbitrate.

14. Confidentiality Issues and Freedom of Information

The statutory pre-application service is non-confidential, with information including the Council's written response made available on the Council's Part 1 Planning Register / website.

In respect of non-statutory requests, we acknowledge that customers normally expect the details of pre-application discussions to be on a confidential basis and Officers aim to provide advice on this basis and it is not published on the Council's website. However, under the provisions of the Freedom of Information Act and/or the Environmental Information Regulations, third parties can ask to see pre-application documentation and the Council has to decide whether information is exempt from disclosure. In order to assist the Council in dealing with such requests, applicants/agents are encouraged to submit in writing the specific reasons why in their view documentation relating to their pre-application discussions should remain confidential and not be disclosed to third parties.

15. Contact Details

Should you wish to discuss the pre-application service protocol or any aspect of the service with which you are dissatisfied please contact: -

Steve Ball Development Manager – Planning
01639 686727 Email: planning@npt.gov.uk

16. Disclaimer

Any pre-application advice given by Council officers, whether verbal, written, paid for or free of charge, is informal officer advice provided on a without prejudice basis. It does not comprise any formal decision by the Council as local planning authority and cannot pre-empt or bind in any way the Council's eventual decision on any subsequent planning application. Any views or opinions expressed are given by officers in good faith, and to the best of their ability, without prejudice to the formal consideration of any planning application, including any site visit/s of all relevant properties, statutory public consultation, the issues that may be raised by third parties/stakeholders and evaluation of all available information. You should therefore be aware that officers cannot give guarantees about the final formal outcome of your planning or related applications. However any written pre-application advice is treated as a material consideration in the assessment and determination of any future planning related applications, subject to the proviso that circumstances and information may change or come to light, which could alter that position. It should be noted that the weight given to pre-application advice will decline over time and it is likely to be almost irrelevant after three years or if policies change in the meantime.

Please note that this document and associated application forms are also available in Welsh