

Report of Chief Planning Officer

Report to Scrutiny Board (Housing and Regeneration)

Date: 27 November 2012

Subject: Good practice guide to pre-application engagement

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Scrutiny Board (Housing and Regeneration) requested that a good practice guide to pre-application community engagement for developers was produced.
2. A report and the draft guide was presented at the meeting of the Board on 30 October. However, members wished to see a more prescriptive approach adopted. Members also recognised that pre-application engagement is not a mandatory requirement and developers are under no obligation to engage with communities or the local planning authority (LPA).
3. The guide has been revised in light of the Board's comments and sets out the standard requirements that the council would expect to see on most major schemes. However, the guide provides the necessary flexibility to allow for different levels of engagement to be undertaken, dependent on the scale and impact of the proposal.
4. The guide clearly states that the starting point is contact with planning officers and ward members, who in consultation with the developer will agree a programme of engagement which will describe how much is needed, in proportion to the impact of the development.

Recommendations

5. Members are recommended
 - i. note and comment on the draft guide as they feel appropriate

1 Purpose of this report

- 1.1 A report and draft pre-application guide for developers went to Scrutiny Board (Housing and Regeneration) on 30 October 2012.
- 1.2 Members requested that a more prescriptive approach should be taken, the steps of the process clearly outlined and that the report is presented back to the meeting of the Board in November 2012.
- 1.3 Attached to this report is the revised pre-application guide.

2 Background information

- 2.1 A report and draft pre-application guide for developers was presented to the meeting of the Board in October 2012. Members expressed their wish to a more prescriptive approach, which stated clearly what developers should do at the pre-application stage.
- 2.2 Members of the Board recognised that the pre-application stage was not mandatory and developers are under no obligation to engage with the local planning authority (LPA), ward members or local communities at the pre-application stage and the LPA can not invalidate an application if no engagement has take place. Neither can it refuse an application on these grounds. However, inadequate consultation can lead to delay at the application stage.
- 2.3 The revised guide attempts to be more prescriptive, stating the standard requirements needed, which would be appropriate in most circumstances, whilst giving the necessary flexibility to adapt to the individual nature of developments and the impact of those proposals.

3 Main issues

- 3.1 The draft good practice guide describes the step by step process of the pre-application stage, in relation to the interaction with the LPA. The de facto position is that developers should discuss the proposal with the LPA and ward members at the earliest of stages and this message is emphasised throughout the guide and to incorporate appropriate changes in their proposal. This process should be reflected in the submission of the formal application and their statement of community involvement which describes the engagement undertaken and the impact of that consultation in helping to shape the development proposal and the changes that have resulted.
- 3.2 This draft guide provides the principles of good consultation that developers should adhere to and provides the standard requirements for public consultation which would be proportionate to the development. It is not possible to specify the exact requirements of particular schemes, as this will depend on a number of factors- the community, size, scale and importantly the impact of the development proposal.
- 3.3 The approach advocated provides the flexibility needed to deal with schemes, irrespective of their size, scale or impact. It may be that, depending on the scale and impact of a scheme more consultation than the standard would be needed,

and conversely if the scheme has little impact, less engagement than the standard requirement may be needed. There is a need to guard against unnecessary engagement or conversely not enough engagement for a rapidly evolving or complicated scheme. Importantly, this decision will be reached by members, officers and the developers and will be assessed against the scale and impact of the scheme. Here the ward member's local knowledge of groups, venues, and appropriate involvement activities suitable for their community will be invaluable.

- 3.4 Where Neighbourhood Plans are being prepared, it will be appropriate for developers to consult with the Town/ Parish Council or Neighbourhood Forum on the proposal itself, and also on any proposed planning obligations.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Members of the development industry, agents, developers, planning lawyers, Planning Aid and Civic Trust have been involved in discussions about pre-applications. The Executive Board Member for Neighbourhoods, Planning and Support Services has also been consulted.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Greater and more efficient engagement of the community is likely to result in more people being aware of development and planning issues and allows communities to have a greater input to what happens in the communities in which they live and work, aiding community cohesion.

4.3 Council policies and City Priorities

- 4.3.1 The effective and expedient determination of planning applications contributes to the overall prosperity of the City and plays a key part in the regeneration and growth agenda. The service makes a key contribution to the delivery of housing growth, a priority in the City Priority Plan 2011-15.

4.4 Resources and value for money

- 4.4.1 Pre-application engagement is the responsibility of the applicant who will fund and resource any activity. There are no additional resource implications for the council.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no legal implications arising from the report

4.6 Risk Management

- 4.6.1 This section is not relevant.

5 Conclusions

- 5.1 The guide has been revised to describe the steps involved in the pre-application process in relation to the interaction with the LPA. Developers are free to engage with communities without any communication or reference to the LPA. However, in doing so they run the risk of delays in the process if there has been no or inadequate engagement.
- 5.2 The guide provides the standard requirements which would be suitable for most developments, but has the flexibility to ask for more or less, depending on the impact of the scheme. The decision on what engagement should take place will be reached by ward member, officers and the developers and this will be in proportion to the scale and impact of the development.

6 Recommendations

- 6.1 Members are recommended to
 - i. note and comment on the draft guide as they feel appropriate

7 Background documents¹

- 7.1 None

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.