



<b>Title of Report:</b>	<b>Review of the Pre Application Discussion process</b>
<b>Committee Report Submitted To:</b>	<b>PLANNING COMMITTEE</b>
<b>Date of Meeting:</b>	<b>28 June 2023</b>
<b>For Decision or For Information</b>	<b>For Information</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	<b>Cohesive Leadership</b>
Outcome	Our elected members work collaboratively and make decisions on an evidence led basis and in line with its policies.
Strategic Theme	<b>Healthy, Active and Engaged Communities</b>
Outcome	The Borough comprises cohesive and stable communities which work collaboratively with a range of stakeholders to address issues and deliver on opportunities.
Lead Officer	Head of Planning

<b>Budgetary Considerations: Draft at this time – potential income generation</b>	
Cost of Proposal	
Included in Current Year Estimates	
Capital/Revenue	
Code	5301
Staffing Costs	

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals. <b>Not applicable in this case.</b>		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

## **1.0 Purpose of Report**

1.1 To present the position in relation to the review of the PADs process.

## **2.0 Background**

2.1 PADs are not a statutory requirement but offer significant potential to improve both the efficiency and effectiveness of the planning process and improve the quality of submission of applications.

## **3.0 Issues with current PAD process**

3.1 From engagement with agents through the Planning Review undertaken by an external consultant for Causeway Coast and Glens Borough Council, and at recent meetings between the Head of Planning and agents, it is evident that the current PAD process is not fulfilling the expectations of prospective applicants.

3.2 Issues raised in relation to the current process include:

- Difficulty in arranging meetings
- Difficulty in securing attendance by key consultees
- Elongated timeframe for the process
- Reluctance to discuss development options
- Limited benefit/added value
- Content to pay for PAD process if quality service provided
- Request Senior officer who will oversee the formal application to oversee the PAD

3.3 Evidence gathered through the consultation by DfI into the Review of the Implementation of the Planning Act (NI) 2011 states that some respondents requested that PADs be made a statutory requirement for major and regionally significant development proposals and stated that they would be willing to pay statutory consultees for advice. However, DfI stated in their published report that it was not persuaded of the case for, or benefits of moving PADs to a legislative footing. However, the Planning Forum will review the approach to PADs to improve effectiveness and efficiency.

## **4.0 Comparison with other Local Authorities**

4.1 *Belfast City Council, Northern Ireland*

- Charge for PAD service
- Initial meeting for large scale major proposals and follow-up meeting where required
- Charge for additional meeting if required
- Have dedicated team to deal with PAD process

#### **4.2** *East Staffordshire Borough Council, England*

- Charge for PAD service
- Response by letter for minor applications with additional charge for a meeting/follow-up correspondence
- Unaccompanied site visit and 2-3 meetings for major applications and 4 meetings for significant/strategic PADs
- Do not include attendance by statutory consultees
- Timescale provided for providing the PAD advice unless further information requested

#### **4.3** *Uttlesford District Council, England*

- Charge for PAD service
- Minor applications - 1 meeting and response by letter and charge for additional follow-up advice
- Major applications – planning performance agreements and 6 meetings; some large-scale developments have presentation to members and design panel meetings; additional charge for further work/meetings

#### **4.4** *St Albans, England*

- Householder pre-application
  - Charge for advice
  - Telephone discussion or virtual meeting with planning officer solely on information provided
  - Written response within 3 weeks of meeting
- Non-Householder pre-application
  - Charge for advice
  - Telephone call or virtual meeting based solely on information provided
  - Written response
- Major pre-application
  - Charge for advice
  - 1 site visit and 1 meeting
  - Written response
- Charge for follow-up pre-application report or meeting within 1 month of receipt of written response

#### **4.5** *The Highland Council, Scotland*

3 types of pre-application advice available:

- Local small-scale pre-applications – 1-3 houses and other types of local development
  - Charge for PAD service with minor exceptions
  - Response advice in writing within 6 weeks
- Local medium scale pre-applications
  - Charge for PAD advice with minor exceptions
  - Internal consultees approached for input
  - Site visit

- Single meeting between case officer and applicant/agent if case officer deems necessary
- Response advice in writing within 6 weeks
- Major scale pre-applications
  - Charge for PAD advice
  - Pre-application advice service for major developments meets monthly consisting of highland Council, Scottish Natural Heritage, Scottish Environment Protection Agency, transport Scotland and other key agencies
  - Applicant/agent present proposal to monthly advice service meeting
  - Within 4 weeks of advice meeting issue pre-application pack containing an overview of
    - Principle and policy
    - Constraints
    - Design
    - Sustainability
    - Amenity impacts
    - Transport
    - Water Environment (including flood risk and drainage)
    - Public consultation and application procedures
    - Developer contributions
    - Documentation or information requirements

#### 4.6 *East Ayrshire Council, Scotland*

- Charge for PAD advice with exception of householder and not for profit community organisations and registered charities
- Local pre-application
  - may suggest meeting or telephone discussion but not on all cases
  - may invite internal stakeholders to any meeting
  - written response in 30 working days confirming or otherwise the likely acceptability of the principle of the development, any aspects that should be amended; any suggestions that are considered may add value and enhance the proposal; any developer contributions; view on whether or not planning permission is likely to be granted; identify any process and timetable issues for processing a planning application; draw attention to key consultees and contact details to make contact prior to submission
- Major pre-application
  - Suggest a meeting and invite other internal stakeholders
  - written response in 40 working days confirming or otherwise the likely acceptability of the principle of the development, any aspects that should be amended; any suggestions that are considered may add value and enhance the proposal; any developer contributions; view on whether or not planning permission is likely to be granted; identify any process and timetable issues for processing a planning application;

draw attention to key consultees and contact details to make contact prior to submission

#### **4.7** *Pembrokeshire County Council, Wales*

- Statutory and non-statutory PAD service
- Charge for PAD advice nationally set
- Meeting either in Council offices or on-site may be requested if a planning officer considers it necessary in order to provide more detailed advice
- Written response within 21 days unless otherwise agreed
- Response includes
  - Relevant planning history for the site
  - identifies relevant planning policy and any other considerations against which a proposal would be considered
  - provides an informal view from a planning officer
  - identify important organisations that should be consulted prior to submitting a planning application
  - whether developer contributions will be required
  - supporting technical information required to validate the application

#### **4.8** *Neath Port Talbot County Borough Council, Wales*

- Statutory and non-statutory PAD service
- Charge for PAD advice nationally set
- Case officer will consider whether a site visit or office meeting is necessary; one meeting offered with exception of householder development
- Written response within 21 days unless otherwise agreed
- Response includes
  - Relevant planning history for the site
  - identifies relevant planning policy and any other considerations against which a proposal would be considered
  - provides an informal view from a planning officer
  - identify important organisations that should be consulted prior to submitting a planning application
  - whether developer contributions will be required
  - supporting technical information required to validate the application
- Further charge for any follow-up advice or meetings

#### **5.0** **Discussions with Agents**

- 5.1** Agents through RSUA/RTPI meetings have been involved in the review and development of a new procedure for the PADs process. There was also agreement to a charge for the service provided the service provided clear advice and improved on the current timescales.

## **6.0 Conclusion**

- 6.1** Belfast City Council and most other Local Planning Authorities (LPAs) charge for the pre-application advice service. In Wales, there is a statutory requirement to enter into the pre-application advice service for certain applications and the charge is set nationally. In most areas the advice service is provided excluding external statutory stakeholders and applicants/agents are encouraged to meet with the statutory consultees prior to the submission of their formal application. In most cases the advice is in written format with the decision of whether a meeting is necessary a matter for the case officer to consider. Additional meetings and follow-up responses are generally at an additional charge. Timeframes for responses vary across the LPAs and vary depending on the scale of the proposed development.
- 6.2** The attached draft process and fee schedule will be brought to the next RSUA/RTPI meeting for further comment.

## **7.0 Recommendation**

**It is recommended** that the Planning Committee note the current position in relation to the review of the PADs process.

### **Appendices:**

Appendix 1: Draft IL 03 PADs Process

Appendix 2: Draft PAD Form

Appendix 3: Draft PAD Fee and Service Schedule



### Request for Pre-Application Discussion

You must complete all fields

<b>1. Applicant Details</b>		<b>2. Agent Details (if applicable)</b>	
Name:		Name:	
Address:		Address:	
Post Code:		Post Code:	
Email address:		Email Address:	
Contact Phone Number:		Contact Phone Number:	
<b>3. Address or location of proposed development</b>			
Address			
Post Code:			
OS Grid Ref:			
<b>4. Land Ownership (Tick the relevant ownership details)</b>			
Owner	<input type="checkbox"/>		
Occupier	<input type="checkbox"/>		
Leasee	<input type="checkbox"/>		
Prospective Buyer	<input type="checkbox"/>		



**5. Please provide detailed description of the proposed development**

Description:

Site Area (hectares):

Please complete the following as it relates to your proposal (refer to Fee and Service Schedule for details):

Local category minor scale development:

Local category medium scale development:

Major category of development:

Advertisement:

Listed Building Consent:

Demolition in a Conservation Area:

Hazardous Substance Consent:

Tree Preservation Order/Works to Trees  
In a Conservation Area:

**6. Current use of the buildings or land to which the proposed development relates**

Please tick the relevant box(es):

Advertisement

Residential

Commercial

Industrial





Agricultural

Other / specify

**7. Please indicate what you would like to discuss with us**

- Relevant regional and local planning policies
- Principle of development
- Design
- Access and Transport
- Built Heritage/ Archaeology
- Amenity
- Flooding
- Drainage
- Biodiversity
- Requirement for an Environmental Impact Assessment determination
- Other (please specify) \_\_\_\_\_

**8. For major category of applications, please specify consultees you request to attend the meeting**

Please specify name of consultee and reason you request their attendance:

**9. If applicable, please provide dates when you are available to attend a meeting and indicate whether you wish the PAD meeting to be conducted in the office or remotely.**



List possible dates for PAD meeting

Please indicate whether you wish the PAD meeting to be conducted in the office or remotely.

Please note that office meetings will take place at the Council Offices, Cloonavin, 66 Portstewart Road, Coleraine, BT52 1EY

Office meeting

Remote meeting

#### **10. Information to submit**

Please refer to the [Pre-Application Discussions Information Note 03](#) for guidance on the supporting information to be submitted with this form.

Please refer to the [Pre-Application Discussion Fees Schedule](#) for the relevant fee to be submitted with this form.

#### **11. Freedom of Information Act 2000/Environmental Information Regulations 2004**

Generally, notes and correspondence relating to pre-application discussions are treated in confidentiality. However, information relating to these discussions may be subject to requests under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and we may be obliged to reveal details of the discussions. Your enquiry will not be treated as confidential once a formal planning application for the development has been submitted and it is in the public domain.

If you believe your pre-application discussion to be confidential, please explain your reason and the exemption under the above Act and Regulations.

#### **12. Privacy Notice and sharing of information**

Your information will be processed in accordance with the General Data Protection Regulations. A copy of our full Privacy Notice is available to view at <https://www.causewaycoastandglens.gov.uk/live/planning/gdpr>.



You should be aware that information related to your pre-application discussion may be shared with other service areas within this Council, Government Departments and external organisations for the purposes of providing advice.

**13. Declaration**

- I confirm that all the information contained in this form is correct and that the response that I receive will be based on the information submitted.
- I confirm that the advice I receive is informal advice only and is not legally binding to any future decision that the Council may make on any formal planning application that may be submitted.
- I confirm that I agree to the sharing of the information contained in this form and accompanying supporting information with other sections of the Council, Government Departments and external organisations for the purposes of providing advice.

Signed

Dated



## **Pre-Application Discussions**

### **Purpose**

The purpose of this guidance is to set out the procedures for dealing with requests for Pre-Application Discussions submitted to the Council. It sets out how to submit a request and make an appointment, what supporting information is required and what you can expect.

Pre-Application Discussions are not a statutory requirement but offer significant potential to improve both the efficiency and effectiveness of the planning process and improve the quality of submission of applications. This process does not replace the requirement for developers proposing 'major category of development' or 'regionally significant developments' to comply with Section 27 of the Planning Act (Northern Ireland) 2011 regarding pre-development community consultation.

Please note that general information such as planning history, site constraints and designations are available to view via the planning portal.

### **Who is involved at the Pre-Application Discussion process?**

The pre-application discussion process will be adapted to suit the proposed development. A proportionate approach will be taken and agreement will be sought at the outset on who should be involved in the process. This should be clearly set out in the [Pre-Application Discussion Form](#) (PAD Form) when submitting your request for a meeting.

Those involved in the process will vary on a case-by-case basis and can include

- The prospective applicant and their agent
- The local Planning Department
- Consultees

For large or complex developments, or development in close proximity to listed buildings or within a Conservation Area, we encourage applicants / agents to avail of the Ministerial Advisory Group design review process contact details of which are available via the following link

<https://www.causewaycoastandglens.gov.uk/live/planning/design-panels/dfc-ministerial-advisory-group-mag> .



## **How do I request a Pre-Application Discussion?**

In order to request a pre-application discussion, you must complete the PAD Form [\[add link\]](#) providing as much detail as possible and where applicable, provide dates you are available for a meeting. This will assist in arranging a suitable meeting date. You should also indicate your preference for a physical (in office) meeting or a virtual meeting using an on-line communications platform. Please note that an office meeting shall take place at the Planning Department premises at Cloonavin, 66 Portstewart Road, Coleraine BT52 1EY.

You must also provide the appropriate fee and the following supporting information:

- Up-to-date location plan to 1:2500 or 1:1250 scale
- Site outlined in red with north point shown
- Any neighbouring land in the applicant's ownership marked in blue
- Sketch plans and elevations of existing and proposed development
- Draft floor plans, if appropriate
- Details of access and parking
- Planning history if known
- Photographs of the site and surroundings
- Technical studies if available, e.g. Transport Assessments, Flood Risk Assessments, Drainage Assessments, Contamination Risk Assessments, Biodiversity Checklist etc.

## **How will we deal with your request for a pre-application discussion?**

If you wish to take advantage of our pre-application discussion service, please complete the PAD Form and email it with the relevant supporting information to [planning@causewaycoastandglens.gov.uk](mailto:planning@causewaycoastandglens.gov.uk) and pay the appropriate fee.

On receipt of your PAD Form, fee and supporting information we shall check to ensure all the necessary information has been submitted. If we require further information, we shall request this by email and your application will be held for a maximum of 5 working days for receipt, unless otherwise agreed in writing to an extension of time. If the requested information is not received within the timeframe agreed, your request will be declined and you will be advised of this by email and any fee paid will be returned.

On receipt of the PAD Form, fee and all the required information, the request will be acknowledged, a planning reference will be provided and allocated to the Planning Officer. Depending on the nature and scale of the proposal, the PAD process will be undertaken as set out in the PAD Fee and Service Schedule.

Where a meeting is required as set out in the PAD Fee and Service Schedule, the Planning Officer will make contact with you to agree a date and time for a meeting, to



agree whether the meeting will be held in the Council offices or remotely via an online communications platform and to agree those who will be participating at the meeting. This shall have regard to the dates which you indicated on the PAD Form. This initial contact will normally take place within 5 working days of receipt of the completed Form, fee and all the required information where the meeting is with Planning Officers only and within 10 working days where a statutory consultee will be participating in the meeting.

Where a meeting is required as set out in the PAD Fee and Service Schedule, the applicant/agent will have a maximum of 30 minutes to present their proposal to the Planning Officer at the meeting. This will be followed by discussion on points of clarification from the Planning Officer and consultee where a consultee is participating and an informal discussion on the proposed development. Following the meeting, written advice will be communicated to you in a letter or email. This will normally be sent within 20 working days of the meeting.

Where a meeting is not required, a formal letter or email will issue to you providing the advice requested. This will normally be sent within 20 working days of receipt of the accepted PAD request.

### **What advice will be provided?**

The advice we provide will be based solely on the proposed development and site detailed in the Form and supporting information. Advice in relation to alternative proposals or on alternative sites that are not subject to that detailed in the initial Form and supporting information will not be provided. Only one proposed development will be considered as part of the pre-application advice.

Requests for pre-application advice for proposals such as 'What would I get planning permission for on this site' or 'Which of these sites would I get planning permission for...' will be rejected and returned.

Our advice will include:

- An indication as to whether the proposal is likely to be acceptable in policy terms
- Identification of any amenity, design or other constraints, such as flood plains, heritage, tree preservation orders
- Identification of any relevant planning history
- Identification of what consultations may need to take place on receipt of a formal application
- Identification of any known technical requirements that should accompany the formal planning application
- Whether the proposal would benefit from the submission of a separate determination to ascertain whether an Environmental Statement is required



- Whether the application is a major category of planning application requiring a Pre-Application Notice and associated pre-application community consultation

Our advice will not include:

- Designing the proposal for you
- Formal discussion as to whether an existing or proposed development is lawful. For such decisions, please submit a Certificate of Lawful Existing Use or Development or Certificate of Lawful Proposed Use or Development (see Development Management Information Note 01 Certificates of Lawful Use or Development).

### **About our advice**

The Planning Officer will ensure that any advice is robust, however, the advice given is on a 'without prejudice' basis and cannot pre-empt consideration of a formal application. There is no guarantee that by seeking our advice and following it that planning permission will be granted.

This is because formal consultation and notification is necessary on receipt of the formal application that may raise material issues previously not considered.

Any change in planning legislation, policy or guidance or other previously unidentified material issue that may arise between the pre-application discussion and the consideration of the formal planning application, including those raised in any representations, may also change the view previously provided.

For applications determined by the Planning Committee, it is important to note that the Planning Committee may take a different view from the recommendation of the Planning Department.

### **What if I disagree with the advice provided?**

The pre-application advice does not constitute a formal decision. You can therefore decide to submit a formal planning application regardless of the pre-application advice you receive. Where advice provided through the Pre-Application Discussion is not followed in the submitted formal planning application, the formal application is likely to be determined without further negotiations.

### **Fees and Charges**

The planning application fees received by the Council do not cover the cost of the pre-application discussion. In order to provide a high quality service it is therefore necessary to charge for pre-application discussions. The fee charged will depend on



the type and scale of the proposal. The schedule of fees is available via the following link [Pre-Application Discussion Fees](#).

The relevant fee must be paid before a request for a Pre-Application Discussion will be processed. If not received the request will be declined and returned.

### **Confidentiality**

We do not publish requests for pre-application discussions but we may be obligated to disclose this information in response to any relevant Freedom of Information and/or the Environmental Information Regulations request received. You must give your agreement for this to be disclosed or provide reasons why it should not be disclosed on the PAD Form. On the receipt of a planning application for the development detailed within the PAD Form, the details of the PAD will become disclosable.

### **Duty Planning Officer**

We also offer a Duty Planning Officer service between 9am and 5pm Monday to Friday. You can contact the Duty Planning Officer by:

- Telephone 028 7034 7100,
- Email [planning@causewaycoastandglens.gov.uk](mailto:planning@causewaycoastandglens.gov.uk) with subject title of email 'Duty Planning Officer Request'
- In person by pre-appointment at Planning Reception, Cloonavin, 66 Portstewart Road, Coleraine BT52 1EY.

If your query is in relation to a specific proposal you are advised to make a request for a Pre-Application Discussion.





**Fee and Service Schedule for Pre-Application Discussion**

<b>Local Category Minor Scale of Developments</b>		
<b>Proposal</b>	<b>Charge</b>	<b>Process</b>
Advertisements, alterations and extensions to dwelling house(s), ancillary development within the curtilage of a dwelling house, works to TPO trees or trees in a Conservation Area, single residential unit.	£120	Written advice within 20 working days.
Minor scale Local Development that includes demolition in a Conservation Area, Listed Building Consent or Hazardous Substance Consent	£300	Maximum 1 hr meeting with a Planning Officer where the applicant/agent present their proposal to the planning officer and others in attendance.  Written advice within 10 working days from date of meeting.
<b>Local Category Medium Scale Developments</b>		
<b>Proposal</b>	<b>Charge</b>	<b>Process</b>
All other Local Category development not listed as minor scale above, including associated listed building consent, demolition in a conservation area consent, hazardous substance consent.	£330	Maximum 1hr meeting with a Planning Officer where the applicant/agent present their proposal to the officer and others in attendance.  Written advice within 20 working days from date of meeting.
<b>Major Scale Developments</b>		
<b>Proposal</b>	<b>Charge</b>	<b>Process</b>
All Major Category of development	£535	An unaccompanied site inspection. 2no. maximum 1hr meetings or 1no. maximum 2 hr meeting with a Senior Planning Officer and others in attendance.  Written advice within 25 working days of last meeting.