



SOMERSET COUNTY COUNCIL

PRE-APPLICATION ADVICE PROTOCOL

JANUARY 2012

Somerset County Council deals with planning applications for minerals and waste developments and its own development proposals including education, highways, and social services. The Authority is always striving to provide an improved and more efficient planning service, and is also under pressure to determine as many planning applications within the Government-set time-related targets as possible. Lengthy negotiation during the actual processing of an application extends the planning process for applicants, is not an efficient and proactive way of achieving quality development, prolongs the uncertainty for everyone involved including the local community, and adversely impacts upon the Authority's performance.

Early discussion between applicants and the planning authority can save wasted effort and ensure a quicker and smoother application process. Applicants are therefore encouraged to contact the County Council to discuss their development proposals with a professional Planning Officer prior to the submission of a planning application.

This document sets out the benefits of seeking pre-application advice, what applicants can expect from Somerset County Council during the process, and what is expected of the applicants themselves. In order that the Council can provide this service to a consistent and high standard the Council has decided that the substantial cost of providing this service should be recovered directly and not fall as a general cost to the council taxpayer. The current statutory planning fees do not cover the cost of pre-application advice. The schedule of fees is set out on page 6.

Why seek pre-application advice?

There are a number of benefits of getting pre-application advice from Somerset County Council:-

- It can guide the applicant in undertaking pre-application submission consultation with the local community and/or to submit better quality developments that take into account relevant policies, guidance, local circumstances, site and area characteristics, etc.;
- We can help increase your understanding about the decision making process, the role of the County Council and other statutory consultees;
- It can reduce the chance that an application won't be registered due to being deficient when checked against our adopted Validation document;
- For the larger and highly significant proposals discussions can help identify that a **Planning Performance Agreement** may be an appropriate way forward to make the most of pre-application discussion;

- It can help identify problems at an early stage, thus saving the time and expense of making a formal application that is unlikely to succeed;
- It can ensure that any application submitted includes all required information to make sure it is dealt with more quickly and efficiently;
- Possible objections/concerns can be raised and addressed before the application is submitted, thus potentially removing public objections to the scheme;
- The relevant statutory and other consultees could potentially become involved and provide guidance at an early stage, instead of 'surprise' matters being raised during the formal consultation process when the application has been submitted, which could affect your planned development programme;
- The characteristics of the proposal (such as the siting and design of buildings, materials, environmental controls and other relevant matters) can be discussed and amended to provide a development that could be more in keeping with its surroundings;
- It can give increased certainty as to how an application is likely to be considered by a professional officer or the local community, and therefore reduce the risk of receiving objections or a recommendation of refusal;
- The system will improve working relationships between different agencies, and will result in improved understanding by the different parties involved.

In summary, pre-application advice helps the County Council to provide a more robust, transparent and effective planning system and gives developers better information on how their application may be considered. It provides the opportunity for informative dialogue on a proposal, and whilst only an informal officer opinion can be given the process is very useful in improving the quality of applications and in turn giving them a better chance of being processed favourably. There will be instances where proposals are highly unlikely to receive Officer support if submitted, however the process is still beneficial as it will provide increased understanding of what the issues are.

What is expected of all parties in the process ?

Applicant or Agent	To provide all the relevant information about a possible development, and to positively enter into pre-application discussions with a view to taking into account the advice given and improving any planning application subsequently submitted. The provision of clear, relevant, accurate and comprehensive information at pre-application stage improves the quality of the advice given, and the more certainty that can be given.
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<p>Planning Control, Somerset County Council</p>	<p>Will provide impartial, comprehensive and professional pre-application advice by a suitable Officer in the Planning Control team. This may include getting advice from other internal or external bodies to ensure the quality informal advice is given.</p>
<p>Elected Members of Somerset County Council</p>	<p>Members of the County Council should not generally be involved in pre-application discussion as it could be considered as pre-judging an application's merits before the formal process. However, in exceptional circumstances where they are involved it will be as part of a structured meeting with either the Group Manager or Head of Service present. This approach is reflected in the County Council's "Combined Code of Practice – Commons Registration, Planning Control and Rights of Way", which is part of the Constitution and provides further guidance on member involvement.</p>
<p>Consultees (where requested)</p>	<p>To provide expert views on a proposal, and to request that their specific requirements are taken into account during the final drafting of plans, documents, etc. In addition, expert consultees can help to interpret relevant information (for example, information about habitats from the Somerset Environmental Records Centre) to aid applicants when drawing up plans.</p>

PRE-APPLICATION DISCUSSION – THE PROCESS

STAGE 1

All requests for pre-application discussions should be made to the Planning Control Team Leader, Phil Higginbottom. Please contact Planning Control on 01823 358254.

Any telephone requests will normally need to be followed up by a letter. Planning Control will wish to ascertain at this stage the site location, nature of proposal and timescales. This information will be used to ensure that an appropriate Officer is assigned to provide the advice, or whether a Planning Performance Agreement is a more appropriate mechanism for providing the advice.

NB. If the request is to establish whether planning permission is required for a development proposal, in most circumstances you will be required to submit an application for a Certificate of Lawfulness of Proposed Use or Development. Details on this can be found on www.somerset.gov.uk (search for 'Apply for a Lawful Development Certificate')

STAGE 2

Within 5 working days of receipt of a request for pre-application advice, the Planning Control team will send you an agreement form setting out which

Planning Officer will be providing the advice, the schedule of fees and will seek your agreement to pay the relevant fee. **No work can be commenced by Planning Control until this agreement is signed and returned.**

Within 10 working days of receiving the agreement and the written details set out below, the Planning Officer assigned to provide the advice will contact the applicant/agent to arrange any necessary site visits or meetings.

WRITTEN DETAILS REQUIRED ABOUT THE PROPOSAL

Written details should be submitted to the Planning Officer, providing as much information as possible about the proposal, including:

- site location plan,
 - brief summary of the proposed development,
 - any draft plans/documents, and
 - the nature of the advice required.
- Additional information may be discussed between the Officer and applicant.

The more relevant information provided at this stage, the better the advice given will be and therefore the planning application is likely to be of better quality.

STAGE 3

Generally the Planning Officer will be able to provide a written response within 20 working days of receipt of the proposal details. However, this is dependent on the scale of proposal, time needed to consult any external experts and the timing of site visits and meetings. The Planning Officer will keep you informed of the estimated completion time. The Planning Officer will provide written advice on:-

- relevant legislation;
- national, regional and local planning policies, including any designations affecting the site;
- other relevant guidance;
- previous similar/related decisions that could help (where appropriate);
- reference to a site's previous planning history (where appropriate);
- advice from other consultees involved during the pre-application advice process, including any relating to habitats or biodiversity following information received from the Somerset Environmental Records Centre (see below);
- advice on whether other bodies should be contacted prior to making a submission, or – if other parties have been involved at the pre-application stage – details of their advice;
- advice on community engagement to help inform/refine the formulation of the proposal prior to submission;
- the requirements for a formal planning application submission, including Environmental Statements and potential legal agreements. Such advice will include the potential for unilateral undertakings, where developers can come forward with a suggested agreement. The benefit of

doing so is the potential for saving a significant amount of time.

- The Council will keep a register of all approaches for pre-application advice, along with the advice provided, to ensure work is allocated appropriately and that when a formal application is submitted there is a link to the previous advice given. This will help to provide more consistency in the planning process.

For information a summary chart is provided on Page 8 to illustrate the process of pre-application advice.

Somerset Environmental Records Centre

The potential impact of development upon habitats and protected species is an important consideration for many planning applications. In some cases finding out whether any protected species could be potentially be affected by a development, and getting early advice from an ecologist about the implications, could be essential in making sure an application is submitted with all the information required. Additional survey work may be necessary in some cases, or protected species may be using other sites in close proximity to the development site. The relevant information that is needed to ensure that applicants take full account of any habitats/protected species that might be affected by a development is held by the Somerset Environmental Records Centre (SERC), and the County Council has a Service Level Agreement with SERC to allow access to up to date information.

As such it is often advisable to find out what records SERC have about potential development sites, and for Planning Control's Technical Advisor (Ecology) to give advice on the information received so that any planning application contains all the relevant details and takes into account any potential impacts. The Planning Officer will discuss this potential requirement upon initial contact.

Pre-Application Advice Charges

In order to ensure we can provide professional, clear and consistent advice, and to improve the service provided, as from the 1st April 2010 the County Council is to charge for this service, using powers in Section 93 of the Local Government Act 2003. The fees charged for pre-application advice are based on the following scale:

Enquiries as to whether proposals require planning permission.

- In most cases the applicant will be required to submit an application for a Lawful Development Certificate (LDC). The fee for a LDC application for the existing use of land or operational development (Certificate of Lawful Use or Existing Development (CLUED)) is the same as that for a full planning application. For an application for a LDC relating to a proposed use of buildings or other land or development (Certificate of Lawfulness Of Proposed Use or Development (CLOPUD)), the fee is half of the fee for an equivalent planning application.

For all potential Planning Applications:

- Provision of **general advice on completion of application forms / validation requirements** – first half hour is free. After free first half hour the charge is an hourly rate of £50 plus VAT to include research, 1 planning officer input, paperwork and administration. Charges are made per 15 minute blocks of time. Work will only be commenced on receipt of signed agreement form and provision of a payment charge code.

For County Council developments (e.g. schools, social services & highways).

- Pre-application advice on **scheme specific issues** is charged at an hourly rate of £50 plus VAT (chargeable in 15 minute blocks of time) to include research, 1 planning officer input, paperwork and administration. First half hour is free. Site visits at the invitation of applicant or if deemed necessary, which it will be in most cases, by the Planning Officer will be charged at the standard hourly rate of £50 plus VAT including travelling time. Where an additional planning officer or specialist landscape or ecological input is required this will be charged at the additional rate of £36 per hour plus VAT. Involvement of an additional officer or ecological advisor or landscape officer will be notified in advance. It is likely that applications falling within the 'major' category will require additional Officer input.

All Minerals and Waste Applications (Incl Section 73 applications / ROMPs)

- Pre-application advice on **scheme specific issues** is charged at an hourly rate of £50 an hour (chargeable in 15 minute blocks of time) to include 1 planning officer input, paperwork and administration. First

half hour is free. Site visits and meetings will be charged at the standard hourly rate of £50 per hour plus VAT including travelling time. Work will only be commenced on receipt of signed agreement form. Where an additional planning officer or specialist landscape or ecological input is required this will be charged at the additional rate of £36 per hour plus VAT. Involvement of an additional officer or ecological advisor or landscape officer will be notified in advance.

ECOLOGICAL ADVICE – (provided separately from pre-application advice set out above)

Following a free initial phone conversation, advice given to help interpret information received from SERC or general advice to help applicants develop schemes or meet validation requirements is charged at an hourly rate of £50 an hour (chargeable in 15 minute blocks of time) to include ecological officer input, paperwork and administration.

General Terms

The fees will be reassessed every 6 months. Officers will record working time in 15 minute blocks of time and can provide a work log on request.

Invoicing

Upon provision of the written advice an invoice will be provided containing the breakdown of the costs incurred in providing the advice. Subsequent advice will continue to be recorded and a further invoice issued.

Summary of Pre-application Process

Stage 1	<ul style="list-style-type: none">Request for pre-application advice is submitted to a Team Leader.
Stage 2	<ul style="list-style-type: none">Within 5 working days the request is acknowledged and work allocated to a Planning Officer.Fee agreement form sent out.
Stage 3	<ul style="list-style-type: none">On receipt of signed fee agreement by SCC planning officer makes contact within 10 working days to discuss the proposal and arrange site visits / meeting etc.
	<ul style="list-style-type: none">Site is plotted on SCC GIS to ensure that future planning activity is aware of the request and advice given.
	<ul style="list-style-type: none">Planning Officer conducts investigations and prepares written response.Investigations may include consulting other experts / consultees and acquiring information from SERC.
Stage 4	<ul style="list-style-type: none">Planning Officer provides the written response within 20 working days of commencement of Stage 3. (Depending on dates set for the meeting and nature of the project).

What will Somerset County Council NOT do?

Whilst pre-application advice is welcomed Somerset County Council cannot be expected to do the agent/applicant's job for them. Hence a certain amount of preparation work will be required before approaching the Council for advice. The more relevant information provided, the better the advice and service given. In addition Officers cannot be expected to design schemes for applicants/agents, or do such a significant amount of work that would place an unjustifiable burden on Officer time. Seeking the views of the public/neighbours will not be done (applicants/agents are encouraged to do this themselves, especially for significant or potentially controversial applications).

SOMERSET COUNTY COUNCIL CONTACTS

Planning Control Planning Control, Somerset County Council,
County Hall, Taunton, TA1 4DY.

Planning Control email address Planning@somerset.gov.uk

Planning Control telephone number 01823 358254

Our website address is:-

Somerset County Council www.somerset.gov.uk

For advice on Somerset's District Council's Planning services:-

Mendip District Council www.mendip.gov.uk

Sedgemoor District Council www.sedgemoor.gov.uk

South Somerset District Council www.southsomerset.gov.uk

Taunton Deane District Council www.tauntondeane.gov.uk/

West Somerset District Council www.westsomersetonline.gov.uk

There are numerous websites available which give more information on the planning system, the following being the most notable:-

The Planning Portal <http://www.planningportal.gov.uk/>

For advice on Planning Performance Agreements:-

ATLAS (Planning for Large Scale Development) http://www.atlasplanning.com/page/topic/index.cfm?coArticleTopic_articleId=98&coSiteNavigation_articleId=98

Planning Advisory Service <http://www.pas.gov.uk/pas/core/page.do?pageId=42787>

Pre-Application Advice Protocol
Revised January 2012

Communities and Local
Government Website

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyimplementation/planningperformanceagreements/>

**Planning Control
Environmental Management Group
Somerset County Council
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