Guidance on Pre – application Discussions

Information Leaflet 14

Revised March 2014
1.0 Introduction

1.1 The Programme for Government 2011-2015 identifies the actions the Northern Ireland Executive will take to deliver its number one priority – a vibrant economy which can transform our society while dealing with the deprivation and poverty which has affected some of our communities for generations.

1.2 The planning system has an important role to play in creating a vibrant economy, facilitating increased employment opportunities, promoting economic recovery and improved future wealth in ways that are compatible with social, environmental and sustainable development.

1.3 It is widely recognised that individuals and groups have important contributions to make at key stages in the planning process. Providing planning advice and facilitating pre-application discussions particularly in advance of submitting planning applications for economically significant and large scale investment proposals is an important part of the planning process as it helps prospective applicants (individuals, developers, business owners etc.) to better understand the application process and the relevant planning policy framework against which such proposals will be assessed; enabling applicants to obtain information that would be required to support proposals through the planning process; and proving beneficial to both applicants and the Department in terms of saving time and money.

2.0 Purpose

2.1 The purpose of this guidance document is to highlight the Department’s commitment to providing pre-application advice and its commitment to facilitating effective and meaningful pre-application discussions thereby ensuring that opportunities to work collaboratively with applicants, to improve the quality of developments are maximised. This revised guidance supersedes previous guidance on this matter.

3.0 Procedure for seeking pre-application discussion

3.1 The pre-application discussion process will not be relevant in every instance. A proportionate approach will be taken in light of the nature, scale and benefits of the application.

Stage One

3.2 If your query is of a more general nature, you may wish to discuss it with a duty planning officer in the relevant Area Planning Office or refer to existing advice and guidance already available on the Planning website (section 7 refers). Area Office contact details are available on the DOE Planning website http://www.planningni.gov.uk/index/about/local_area_planning_offices.htm

3.3 If you wish to engage in pre-application discussions with the Department in advance of submitting your planning application, it is recommended that you complete the Pre-Application Discussion pro-forma and forward it, along with the information specified below (section 4) to your Local Area Office.

Stage Two

3.4 On receipt of your completed pre-application discussion pro-forma, a planning officer will make contact with you within 5 working days of receipt of your request (i)
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discuss your request and where considered appropriate, will suggest dates for a pre-application meeting and/or (ii) to request from you, additional information in advance of any pre-application discussions taking place. Confirmation may also be provided at this stage of the need for any specialist officer, or other stakeholders to be involved in the process. Your request will also receive a unique reference number and be linked to the relevant parcel of land or property in order to inform future planning applications associated with the site.

Stage Three

3.5 The pre-application meeting (if considered appropriate) will be organised as soon as possible following receipt of your initial request (subject to all relevant stakeholders being available). The meeting will normally be held in the Area Office.

Stage Four

3.6 The Department will retain a written record of discussions that take place including any agreed actions. The Department may also follow up discussions with a letter clarifying points raised and information requested where necessary. Further time may be required to prepare written advice in respect of more complex proposals and sites but this should be highlighted at the initial discussion stages.

3.7 To ensure consistency, the Department will endeavour where possible to provide continuity in officer involvement so that any relate planning application is dealt with by the same officer.

4.0 Pre-application Community Consultation

4.1 Pre-application community consultation gives local communities the opportunity to be better informed about development proposals. Early collaborative discussions with communities can help to shape better quality, more accepted schemes and ensure improved outcomes for the community. Developers are strongly encouraged to engage with local communities at the pre-application stage.

4.2 For smaller scale proposals, it is a good idea to discuss your proposal with any neighbour who may be affected by the proposal before making your planning application.

5.0 Information required for a pre-application discussion

5.1 In order to allow for effective and constructive pre-application advice to be provided/discussions held, the Department requires a certain level of information to be submitted with the initial request:

- A fully completed Pre-Application Discussion Request Form;
- A site plan (scale 1:1250 or 1:2500) marked with the footprint of the proposed development (in red) and the limit of the land in the applicants ownership/control (in blue);
- Photographs of the existing site;
- Initial sketch drawings of the proposed development showing the nature and scale of the development;
- Drawings/plans showing the potential constraints [trees, other vegetation, overhead wires, listed buildings etc...];
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- Brief description of the nature and purpose of the development and of its possible effects on the environment, and such other information as the applicant may wish to provide.

Desirable Information

- Results of any preliminary consultation with neighbours, other authorities or statutory undertakers (in a proportionate manner as appropriate);
- Other supporting information such as draft environmental statement; transport assessments or ecological surveys (in a proportionate manner as appropriate); and
- Evidence of any pre-community consultation carried out (if relevant)

5.2 Providing this information at the outset, allows the Department to consider and understand issues relevant to the proposal and to identify key stakeholders that may be able to contribute to the process in advance of any discussions taking place.

5.3 The more accurate information you can provide at the outset, the more helpful and informed the Department’s advice can be.

6.0 Matters to be addressed through Pre-Application Discussions

6.1 The Department will normally provide without prejudice, advice and information (as appropriate) on the content, preparation and presentation of an application likely to satisfy current planning policies. Whilst every application will be unique, most pre-application advice will deal with matters such as:

- The planning history of the site;
- Issues associated with the relevant development plan (including statutory designations for the site and surrounding area) and Regional Development Strategy where appropriate;
- Other relevant planning policies and supplementary guidance;
- Some general advice on how to complete the application form and any supplementary information necessary;
- Provision of advice on other approvals which may be required for example demolition or listed building consent;
- General advice about other statutory consents that may be required and how they relate to the planning process;
- Advice in relation to general procedures, consultation arrangements and estimated timescale for processing the submitted applications;
- Possible requirement for legal agreements, covering matters such as contributions to infrastructure improvements necessary to support the proposed development; and
- An initial view on the need for an environmental impact assessment.

6.2 Other matters identified through the pre-application discussion process will also be documented.

6.3 It is important to understand that if you choose to ignore any advice given through the pre-application discussion process then your application when received may take longer to process and/or result in an unfavourable outcome.
7.0 Benefits of Pre-Application Discussions

7.1 The benefits of pre-application discussions have already been recognised by applicants in the processing of planning applications. Engaging in the pre-application process can help to:

- Identify potential policy constraints and other material issues which need to be addressed at an early stage in the process;
- Facilitate discussions with key consultees (where appropriate) at an early stage, especially where an environmental statement is likely to be required;
- Identify related technical issues and allow for discussion with a view to resolving such matters;
- Ensure that [your] engagement with appropriate stakeholders takes place at an early stage in the planning process;
- Offer opportunity for informed amendments and improvements to be made to schemes prior to formal planning applications being submitted, thereby potentially reducing the time taken for an application to move through the planning system;
- Improve the content and quality of planning applications;
- Enhance the quality of a development scheme;
- Speed up the statutory decision making process; and
- Ensure active case management.

7.2 The pre-application process relies on a constructive approach from applicants and the Department. Spending time exchanging information or discussing plans during the critical period when proposals are being developed and are therefore capable of change allows for a collaborative way of working to solve problems, enhance sustainability and quality and better ensure financial viability. As such, the pre-application discussions are a central part of a positive and proactive planning system.

8.0 Obtaining advice for smaller proposals

8.1 Pre-application discussions will not be relevant in every instance.

8.2 As mentioned at paragraph 3.1, duty planning officers are available in each of the local area offices to assist with general planning queries particularly those associated with householder and other minor developments. It is recommended that you avail of this service (where necessary) before submitting your planning application.

8.3 Written guidance is also published on the Department’s website www.doeni.gov.uk. This guidance may be sufficient to help applicants understand issues associated with applying for planning permission. Applicants are encouraged to visit the Department’s website before submitting a Pre-Application Discussion request pro-forma.

8.4 The level of pre-application advice provided and the extent of pre-application engagement will be proportionate to the scale and the complexity of the proposed development.

9.0 Status of pre-application advice

9.1 Any pre-application advice given by Departmental Officials, whether verbally or in writing is provided on a without prejudice basis. It does not comprise any formal
decision by the Department as planning authority and is not therefore legally binding.

9.2 Developers and applicants should be aware that information related to pre-application requests may be subject to requests under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. The Act and Regulations provide for some exemptions from the need to disclose commercially sensitive information and in cases where applicants consider that specific information is exempt from the requirements of the Act or the regulations, the justification for their position should be provided to the local planning Department.

10.0 Charging for pre-application advice

10.1 At present, the Planning Fees Regulations does not include a specific fee for pre-application discussions. Article 127 of the Planning (Northern Ireland) Order 1993 as amended introduces a general power for the Department to charge for discretionary activities. Whilst DOE Planning does not currently charge for this service, consideration may be given to a charge being levied in the future. As such, a proportionate approach will be adopted.

11.0 Review

11.1 The reform of local government will see the majority of planning functions transfer to local councils in April 2015. This guidance document will therefore be monitored and procedures reviewed as necessary to ensure that they remain current and relevant.