

Protocol for Pre-planning Application Discussions

Pre-Application Discussions

Cumbria County Council is responsible for dealing with planning applications for development relating to minerals and waste management. There is the facility for prospective applicants for minerals and waste developments to obtain advice through discussion of proposals with planning officers before submitting a planning application. This advice covers what the relevant considerations for such an application are likely to be and the information that is likely to be required to accompany a planning application. It will generally include an officer view as to whether planning permission is likely to be granted.

In order to provide a high standard of service with consistent advice the County Council decided that the cost of providing this pre planning application advice service should be met by potential developers rather than fall on council taxpayers. This service is subject to a charge in accordance with the scale of fees detailed at Cumbria.gov.uk/planning-environment/dc/applications/preapp_advice.asp

Whilst prospective applicants are not obliged to seek pre-application advice, once a planning application has been received it will normally proceed to a determination on the basis of the information provided without recourse back to the applicant, unless amendments of only a minor nature are requested by the planning authority. If the information submitted is inadequate without major additions planning applications will be refused without further recourse to the applicant.

Benefits of obtaining pre – application advice

- Greater understanding of how an application will be judged against the policies in the development plan including any policies and guidance used by the local planning authorities in Cumbria.
- Identification of any need for specialist input such as from an ecologist, a landscape architect or traffic engineer or any other specialist.
- Consideration of how draft proposals could be improved to make it more acceptable to the County Council.
- Potential reductions in the time and costs involved for the prospective applicant's professional advisers.
- Indications of whether a draft proposal is completely unacceptable to the County Council, potentially saving the applicant the time and costs of finalising an application and paying a fee.
- Potential to ensure that a planning application is complete, assisting in speeding processes of registration and validation and preventing refusal of a permission because of inadequate or insufficient information.

The pre-application advice may be given in writing or may require a meeting with County Council's officers. The decision on the method of giving the advice as to written or in a meeting in house or on site will be a matter for the County Council. Response to a pre-planning application inquiry will include a screening opinion, if requested, as to whether a development would involve EIA (Environmental Impact Assessment) development for which an environmental statement would need to be submitted with any application. The County Council has a statutory duty to provide screening and scoping opinions on request. As such providing them cannot be subject to charging under the Local Government Act 2003.

Requests for pre-planning application discussions need to include the information required to assess the proposal, as set out below, and must be accompanied by the relevant fee.

The charging scheme will not apply to any discussions in relation to any enforcement investigations or the issue of any formal notices. However, if as the result of any unauthorised development a planning application is invited, the charging scheme will apply.

What a prospective applicant may do to request advice

Prospective applicants must complete a pre-planning application advice request form (available from: Cumbria.gov.uk/planning-environment/dc/applications/preapp_advice.asp) and provide the supporting plans/documentation the form stipulates as required. As a minimum, a scaled location plan on an up to date Ordnance Survey base mapping will need to be provided. It is in the interest of the prospective applicant to provide as much detail as possible at this early stage so as to ensure that the Council's advice is based upon a comprehensive appreciation of the proposal as currently envisioned. Consequently, the provision of further additional supporting information is encouraged. The application form includes a request for a screening opinion which will be provided unless the applicant exercises the option on the form not to do so.

The pre-planning application advice request documentation should be submitted electronically via email to: developmentcontrol@cumbria.gov.uk.

Upon receipt of a fully supported request an officer will then advise in respect of options for payment of the requisite fee.

A request will be accepted as valid and progressed once the minimum required information has been received and the application fee paid.

When a valid pre planning application request has been received a letter confirming receipt will be issued to the applicant. This letter will set out whether it is appropriate to meet with planning officers.

N.B. Please note that pre-application charges apply to each application site proposed. If advice is sought for more than one site a separated charge will apply to each site.

What the County Council will provide

- Provision of information about current and relevant development plan policies, any other material planning considerations and any relevant planning history for the site held by the County Council.
- Provision of information about the Council's technical standards for development proposals such as car parking, fencing etc.
- Provision of information about the Council's requirements regarding supporting information to validate a planning application.
- Provision of any information concerning the Council's requirements for or contribution to any infrastructure provision such as for highways improvements or maintenance.
- Provision of advice about the Council's development control process including consultation processes, likely timetable of consideration and estimation of a decision date, on any submitted application.
- Informal comments made on the basis of being without prejudice to the evaluation and determination of any planning application, guidance on the content, construction and presentation of any application likely to satisfy the Council's planning policies.
- A written summary of any views expressed by the planning officer if required subject to the caveat that these views are expressed on the basis of being without prejudice to the evaluation and determination of any planning application.
- All written advice will be checked by a senior officer to ensure consistency and accuracy.
- In respect of all proposals, when requested, a Screening Opinion as to whether the proposed development should be subject to an Environmental Impact Assessment. Please note that any adopted Screening Opinion will be placed on the publicly accessible planning register.

Standards of Service

Advice will be given that accurately reflects the relevant planning policies and standards of the council.

Within 10 working days of receiving a completed valid request for pre planning application advice the County Council will inform the prospective developer:

- Whether the request has been accepted.
- Whether the application is to be treated as a written submission or if a meeting is required.
- Whether any additional information is required before pre – application advice can be returned.

- The name and contact details of the planning officer who will be dealing with the inquiry.
- Whether any other specialist officers will be required to assist with the advice.

If required a meeting will be arranged. Where a meeting is held Officers will endeavour to supply a written response within 10 working days of that meeting.

If pre-arranged meetings have to be postponed for unforeseen reasons such as staff illness it will normally be rearranged within 5 working days.

Responses to written inquiries will normally be provided within 20 working days of receipt of a fully supported enquiry.

If the County Council does not respond within the timescales above, unless the applicant has agreed an extension, the fee paid will be refunded.

Prospective Applicants please note

Any advice given in relation to the planning history of the site, planning constraints or statutory designations does not constitute a formal response of the Council under the provisions of the Land Charges Act 1975.

Any advice given by Council Officers for pre-planning application inquiries does not constitute a formal decision or determination of the Council regarding any future planning applications or consents.

Any views or opinions expressed are given in good faith and to the best of ability, without prejudice to the formal consideration of any planning application, which will be subject to formal consultation. The determination of any application may be made by the Council's Development Control and Regulation Committee or as a delegated decision by a nominated officer. The Council cannot guarantee that new issues will not be raised following submission and evaluation of a planning application and any consultations carried out on it.

Council officers cannot give guarantees about the final formal decision made on any planning application. However the advice note prepared for the prospective developer will be considered by the Council as material consideration in the determination of any subsequent planning application, subject to the proviso that circumstances and information may change or come to light that could alter the position. The weight given to the pre application advice will decrease over time with the lapse of any time period between the giving of the advice and the receipt of any subsequent planning application.