



## **CHARGING FOR PRE PLANNING APPLICATION ADVICE: GUIDANCE NOTE**

### **INTRODUCTION:**

The Council encourages and welcomes the opportunity to provide advice before a planning application is submitted. It is not mandatory for you to seek advice prior to the submission of a planning application, nor is it a statutory requirement for the Local Planning Authority to provide pre planning application advice.

### **BENEFITS OF THE SERVICE:**

- It will identify those schemes which have little or no realistic chance of getting planning permission and highlight the 'show stopping' issues. This will potentially save you time and money on a scheme that is unlikely to get planning permission.
- It will set out key issues that the proposed development will need to address.
- It gives you an opportunity to understand how policies will be applied to your development.
- It will potentially help to resolve issues before the application is submitted thus making the process of getting planning permission smoother.
- It will start to build and establish a working relationship with planning officers and other council officers who will be involved in processing your application.
- It will improve certainty for users of the planning system.

### **PRE APPLICATION ADVICE WILL NOT:**

Guarantee planning permission or a formal view of the Planning, Taxi Licensing and Rights of Way Committee. This is principally because:

- Applications are subject to a wider consultation process than at pre-application enquiry;
- Issues may come to light that were unknown at the time of giving the pre application advice;
- The views given will be current at the time of giving the advice, but changes in planning circumstances and policy will need to be taken into account when the application is decided;
- A percentage of applications will be decided by the Planning, Taxi Licensing and Rights of Way Committee, which is made up of elected Members. Whilst the Committee will have an officers report and recommendation to consider, Members may decide to give different weight to key issues and other material considerations, in arriving at their decision.

### **WHAT ARE THE CHARGES?**

The relevant charges are set out below. The introduction of charges will ensure that some of the cost of providing this service is recovered directly from the service users, rather than being subsidised by council tax payers generally.

#### **WHAT YOU NEED TO SUBMIT:**

All enquiries must be made in writing, by letter or email. As a minimum the following information must be provided to validate the enquiry:

- Your contact details (Name, title and full address). Please include telephone numbers and an email address if available.
- Full site address.
- Location plan (Scale 1:1250 or 1:2500) with the site outlined clearly in red and adjoining land (preferably with a north point). It is recommended that a blue line is drawn on the plan around any other land under the same ownership.
- Site ownership details.
- Confirmation of the current or last use of the site.
- Description of the proposed development (use, nature and scale).
- The appropriate fee (payment by debit card is preferable).

Please note that the more information you can give us, the more accurate and helpful our response can be. Vague proposals can receive only vague advice. Additional information which may potentially help enquiries includes:

- Sketch drawings providing details of the proposal (preferably to a scale with a north point).
- Photographs of the site and surrounding area.
- Access and parking details.
- Preliminary ecological, landscape, contamination, flood, retail, noise and transport assessments if available.

#### **WHAT SERVICE WE WILL PROVIDE:**

##### Acknowledgement:

An acknowledgement will be sent within 5 working days of a valid enquiry/request being received by Development Management. The acknowledgement will confirm the Case Officer and the enquiries allocated reference number.

Development Types: Householder Development, 1 Dwelling (Site area less than 0.1 hectare), 2-5 Dwellings (Site area 0.1 – 0.49 Hectare), Minor Commercial Development, Single wind turbines up to 30 metres in height, Single wind turbines up to 50 metres in height, Advertisements.

The following service will be provided for valid enquiries:

- Identification of key planning policies.
- Identification of key constraints.
- Consultation responses (where required) received from other Council services.

- Identification of additional information/studies/surveys/reports likely to be required with your application.
- Information regarding potential planning obligations (Section 106 Legal Agreement).
- Information regarding other organisations that should be contacted for their advice prior to the submission of an application, e.g. Natural Resources Wales, Welsh Government.
- An informal opinion of the likely outcome of your proposal.

Development Management will aim to provide the above advice within 20 working days. If it appears that for any reason that it will not be possible to meet the target response time, the Case Officer will contact you to seek agreement on an extension of time.

Development Types: 6-9 Dwellings (Site area 0.5 – 0.99 hectare), 10+ Dwellings (Site area 1.0+ hectares), Major Commercial Development

The following service will be provided for valid enquiries:

- Identification of key planning policies.
- Identification of key constraints.
- Consultation responses (where required) received from other Council services.
- Identification of additional information/studies/surveys/reports likely to be required with your application.
- Information regarding potential planning obligations (Section 106 Legal Agreement).
- Information regarding other organisations that should be contacted for their advice prior to the submission of an application, e.g. Natural Resources Wales, Welsh Government.
- An informal opinion of the likely outcome of your proposal.

Development Management will aim to provide the above advice within 25 working days. If it appears that for any reason that it will not be possible to meet the target response time, the Case Officer will contact you to seek agreement on an extension of time.

From validation up to 15 working days from the date of the above written advice is issued a meeting can be requested in writing (email is acceptable). In such circumstances the Case Officer will aim to arrange a meeting within 20 working days of receipt of the request. Attendance of other Council officers at the meeting will be at the Case Officer's discretion. The attendance of other Council officers at meetings cannot be guaranteed. Please note that only one written advice will be provided by Development Management. If the meeting takes place after the written advice has been issued, the Case Officer will only provide notes from the meeting.

Office and Site Meetings

The Case Officer will aim to arrange a meeting within 20 working days of receipt of the meeting request. Attendance of other Council officers at the meeting will be at the Case Officer's discretion. The attendance of other Council officers at meetings cannot be guaranteed.

Development Management will aim to provide concise meeting notes within 15 working days of the meeting date. If it appears that for any reason that it will not be possible to meet the target response time, the Case Officer will contact you to seek agreement on an extension of time.

## **WHAT WILL HAPPEN IF YOU SUBMIT AN APPLICATION BASED ON THIS ADVICE?**

The Council will seek to ensure that:

- The Officers who provide the pre application advice will where possible, process the application.
- Any pre application advice is carefully considered in reaching a recommendation on an application.

## **GENERAL INFORMATION:**

Meetings will only be arranged where requested in accordance with the Service Standard. No refund or reduction in the fee will be available should a meeting not be taken up. There will be a presumption that meetings will take place at Council offices. Development Management may exceptionally vary this to allow a request for a meeting on site or outside the Councils offices. The attendance of internal consultees cannot be guaranteed.

Consultee responses from other Council services cannot be guaranteed.

In cases where mixed use developments falling within different categories are proposed, the fee will be based upon calculating the total for each element of the proposal.

In cases where you have requested that the Council provide pre application advice on multiple sites, it will be at the Professional Lead for Development Management's discretion to break your request down into multiple requests and charge multiple fees as appropriate.

Any advice given by Council officers for pre application enquiries does not infer any formal decision by the Local Planning Authority. Any views or opinions are given without prejudice to the formal consideration of any planning application.

The final decision on any application that you may subsequently make can only be taken after the Authority has consulted local people, statutory consultees and all other interested parties. The final decision on an application will be made by the Planning, Taxi Licensing and Rights of Way Committee or under delegated powers in accordance with the Authority's approved scheme of delegation and will be based on all of the information at that time. You should therefore be aware that Officers cannot guarantee the final formal decision that will be made on your application(s).

Any pre application advice that has been provided will be carefully considered in reaching a decision or recommendation on a subsequent application, subject to the proviso that circumstances and information may change or come to light that could alter that position.

Due to changes in planning policies, legislation and case law, the relevance of the pre application advice may decline over time.

The Council has the right to decline a request for pre application advice where it is not considered either appropriate or necessary.

## **FREEDOM OF INFORMATION AND ENVIRONMENTAL INFORMATION REGULATIONS:**

Pre application advice information may be subject to requests under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. If you consider that the information you provide is commercially sensitive or should be confidential for other reasons, and therefore not subject to the disclosure requirements, you should include a statement to this effect and the reasons for it as part of your written submission. The Council will endeavour to ensure confidentiality but any such request must be marked confidential and must clearly state demonstrable issues of commercial sensitivity or other significant reasons why this information may not be made public. You should take legal advice if you have any concerns regarding this matter.

## **PAYMENT METHODS:**

- By card: Please contact Development Management. This method is preferable.
- By cheque: Please make all cheques payable to Powys County Council. If separate from the written correspondence, please provide a covering letter setting out your name and the address of the development site to which the fee relates.

## **USEFUL CONTACT DETAILS AND WEBLINKS**

### Address:

Development Management  
Powys County Council  
The Gwalia  
Ithon Road  
Llandrindod Wells  
LD1 6AA

### Development Management Telephone Numbers:

- 01597 827169
- 01938 551257

### Development Management Email Address:

[planning.services@powys.gov.uk](mailto:planning.services@powys.gov.uk)

### Powys County Council Website:

<http://www.powys.gov.uk/>

### Welsh Government – Planning Website:

<http://wales.gov.uk/topics/planning/?lang=en>

## SCHEDULE OF CHARGES FOR PRE PLANNING APPLICATION ADVICE

| Development Type   |                                 | Free pre application advice   | Fee (£ including VAT) |
|--|---------------------------------|---|-----------------------|
| <b>Householder Development</b>   |                                 | -Free pre application advice available on Council website.<br><br>-Free general non-site specific advice from planning officer. Verbal advice only. | £60                   |
| <b>Residential Development (including conversions and changes of use)</b><br><br>The fee will be calculated on the basis of the number of dwellings proposed. If no number is specified then the site area will determine the fee. |                                 |   |                       |
| 1 dwelling   | Site area less than 0.1 hectare | Free pre application advice available on Council website.   | £120                  |
| 2-5 dwellings  | Site area 0.1 – 0.49 Hectare    | Free pre application advice available on Council website.   | £240                  |

|  |                              |   |       |
|--|------------------------------|---|-------|
| 6-9 dwellings  | Site area 0.5 – 0.99 hectare | Free pre application advice available on Council website. | £720  |
| 10+ dwellings  | Site area 1.0+ hectares      | Free pre application advice available on Council website. | £1200 |
| <b>Commercial Development</b>  |                              |   |       |
| Minor Development:<br><br>(The provision of a building or buildings where the floor space to be created by the development is less than 1000 square metres or development carried out on a site having a area of less than 1 hectare)<br><br>(With the exception of wind turbines) |                              |   | £120  |
| Major Development:<br><br>(The provision of a building or buildings where the floor space to be created by the development is 1000 square metres or more or development carried out on a site having an area 1 hectare or more)<br><br>(With the exception of wind turbines)       |                              |   | £1200 |
| <b>Advertisements</b>  |                              |   | £60   |
| <b>Wind Turbine Developments</b>   |                              |   |       |
| Single wind turbine up to 30 metres in height  |                              | Free advice available on Welsh                            | £120  |

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|--|--|--|
|  | Government website.  |  |
| Single wind turbine 30 metres to 50 metres in height                   | Free advice available on Welsh Government website.                               | £240   |
| All other wind turbine developments                                    | Free pre application planning advice available on Welsh Government website.      | Fee and service provision to be agreed. Please contact Development Management.   |
| <b>Determination as to whether a planning application is required.</b> | Free general non-site specific advice from planning officer. Verbal advice only. | Lawful Development Certificate (please see planning application fee sheet).  |
| <b>Mineral and Waste Developments</b>                                  |  | Fee and service provision to be agreed. Please contact Development Management.   |
| <b>Local Authority Search (Planning History Searches)</b>              |  | Please contact Powys County Council Land Charges. Telephone: 01938 551111 or 01938 551237<br>Email: <a href="mailto:land.charges@powys.gov.uk">land.charges@powys.gov.uk</a> |
| <b>Built Heritage Advice</b>   |  | Fee and service provision to be agreed. Please contact Development Management  |
| <b>Office Meeting</b>  |  | £30  |
| <b>Site Meeting</b>  |  | £60  |



**Exemptions:**

- Advice to Town and Community Councils relating to their statutory functions.
- Advice to non-profit making charitable organisations.
- Enquiries made by a person who is registered as disabled – where the development is to benefit this person, except where a new dwelling is proposed.
- Enquiries made relating to the discharge of conditions – except for advice on Reserved Matters linked to Outline planning.
- General advice relating to how to submit a planning application.
- Advice to Registered Social Landlords in respect of 100% affordable housing schemes.