



Pre-application Planning Advice Guidance

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Pre-application planning advice

Minerals & Waste Development

County Council Development

Contents

- 1 Introduction
- 2 Why seek advice
- 3 What advice can I expect?
- 4 How do I obtain advice?
- 5 Pre-application advice charges
- 6 Exemptions from charges
- 7 Planning Performance Agreements
- 8 Method of payment
- 9 What will the planning team do?
- 10 Where can I obtain further consultee advice?
- 11 Important notes
- 12 Contact us
- 13 Helpful links

1. Introduction

East Sussex County Council, as the County Planning Authority, welcomes and encourages discussions on the merits of a proposal before a planning application is submitted. This is referred to as “pre-application advice”. This advice gives you a better idea about the prospects of an application being successful as well as issues that will need to be considered when developing your proposals. It will help ensure that you include all the relevant material (drawings and other information) when you submit an application which leads to a quicker and smoother process.

The County Council charge for such advice, as this enables the Planning Policy and Development Management Team to sustain and improve current levels of service. The fees paid for pre-application advice are in addition to the fees payable for the submission of planning applications and the chargeable monitoring of mineral and landfill sites.

This document sets out the benefits of seeking planning advice on application proposals for Minerals, Waste and Regulation 3 development, prior to the submission of an application, and the arrangements for the provision of this advice including fee scales and exemptions.

2. Why seek advice?

Prospective applicants are encouraged to seek planning advice prior to the submission of planning proposals. There are considerable benefits in seeking advice before making an application including identifying any potential major constraints or issues which could hold up determination of the formal application, reducing the cost to the applicant by improving the quality of the formal submission and ensuring that the information submitted is commensurate with the type and scale of the proposal. This practice is considered to result in a better development proposal which has a greater chance of being approved within the statutory eight, thirteen or sixteen weeks.

More specific benefits include:

- Advising on information required to ensure an application is complete and comprehensive and to a satisfactory standard, avoiding delays in validation, or early refusal of permission because of inadequate or insufficient information;
- Helping potential applicants understand how the proposal will be judged against policies in the Development Plan¹ and other material considerations and whether the principle of the development is supported by the prevailing planning policy context;
- Highlighting any key issues to be addressed and how the proposal could be improved to potentially make it more acceptable in planning terms;
- Helping to identify at an early stage where there is a need for specialist input, such as that relating to the natural and historic environment, traffic, noise, contaminated land, land liable to flooding and anticipating other regulatory requirements;
- An opportunity for wider engagement with other stakeholders (where appropriate) in order to identify potential issues at an early stage;
- Potential saving on professional fees as a result of identifying issues at an early stage and therefore having the opportunity to address them within the formal application;
- An indication of proposals that are likely to be unacceptable in planning terms, thereby saving the cost of pursuing a formal application;
- Identifying and scoping out draft 'Heads of Terms' for any necessary section 106 agreement; and
- Establishing a timetable for the formal application submission.

¹ The Development Plan incorporates the Local Development Frameworks (Local Plans) which have been adopted or approved for that area. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

3 What advice can I expect?

The pre- application advice given may not necessarily be exhaustive but will be intended to highlight the main issues or constraints that may need to be addressed/considered as part of the application process. This will be on the basis of the discussions that have taken place and the information that is available at the time. Depending on the level of service requested the Case Officer will normally provide a written response reflecting relevant planning policies and other material considerations as well as any advice that may assist the planning process, which is likely to cover the following areas:

- The need for planning permission (completed DINPP Pro-Forma)
- A brief summary of the discussion from site visit/meeting highlighting key issues raised by the proposal
- Key planning considerations which need to be taken into account when preparing any planning application
- The relevant planning policies, site constraints/designations
- Reference to any technical standards for development proposals e.g. access, car parking, open spaces, tree protection.
- The planning merits of the proposal and its likely acceptability
- Recommend further consultation or specialist input
- Advice on local engagement opportunities
- Advice on ESCC's development management process including consultations, likely timescale of consideration, and estimation of decision date on any submitted application.
- Identification of information required to accompany an application (with reference to the Local Validation List).
- An indication as to whether the proposal is likely to require a screening opinion to determine whether an Environmental Impact Assessment (EIA) is required;
- Possible conditions/legal agreements/other statutory consents (Environmental Permits etc.)
- Provision of appropriate contacts necessary for any further pre-application consultation and scheme preparation e.g. highways, natural and historic environment etc.

The pre-application advice given is not intended to be exhaustive or definitive, particularly given the early stage of the development process. Rather it is intended to draw attention to the main issues which should be considered as part of the application process. The more information that is provided to the County Planning Authority, the more comprehensive and detailed the advice provided is likely to be. The advice we give represents an officer opinion and does not in any way prejudice any subsequent views or decisions of the Council or its Planning Committee.

Where formal, chargeable pre-application advice has been sought, we will, if requested to do so, review any draft planning application prior to its formal submission to ensure it meets our validation requirements. There is no additional charge for this.

4 How do I obtain advice?

Prospective applicants seeking advice are required to complete one of the following forms, depending on the level of service required:

1) Do I need Planning Permission Pro-Forma

The form is titled 'DO I NEED PLANNING PERMISSION?' and is from East Sussex County Council. It includes a section for 'CONSTRUCTION MATERIALS OF PROPOSED DEVELOPMENT' with a dropdown for 'SOLAR PANELS' and a 'N/A' checkbox. Below this is a section for 'DO I NEED PLANNING PERMISSION?' with instructions on how to complete the form. The form contains contact details for the applicant and agent, including name, company, address, phone, and email. There is also a section for 'DEVELOPMENT - SITE ADDRESS' and a 'DESCRIPTION OF PROPOSAL' section.

This form is available to download from our website here:

<https://www.eastsussex.gov.uk/environment/planning/applications/>

It sets out the information that is required to be able to determine whether a proposed development requires planning permission.

A completed pro-forma and supporting documents will need to be submitted before any written advice is provided.

2) Request for Pre-application Planning Advice Form

The form is titled 'REQUEST FOR PRE-APPLICATION ADVICE' and is from East Sussex County Council. It includes a 'DECLARATION' section, a section for 'ATTACHED SUPPORTING INFORMATION', and a section for 'LEVEL OF SERVICE'. Below this is a section for 'REQUEST FOR PRE-APPLICATION ADVICE' with instructions on how to complete the form. The form contains contact details for the applicant and agent, including name, company, address, phone, and email. There is also a section for 'DEVELOPMENT - SITE ADDRESS' and a 'DESCRIPTION OF PROPOSAL' section.

This form is available to download from our website here:

<https://www.eastsussex.gov.uk/environment/planning/applications/>

It sets out the information that is sought from prospective applicants to enable a pre-application advice service to be provided. It is recognised that in some cases not all of the information will be available, but the more information that can be provided by you will help us deliver a more tailored and site specific advice.

A fully completed pro-forma, the required fee and supporting documents make a valid request and will need to be submitted before any written advice is provided.

For exemptions to the charging schedule please see page 8.

Send your completed form by email to development.control@eastsussex.gov.uk or by post to: **Planning Policy and Development Management, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE.**

5 Pre-application advice charges

The charges for pre-application advice depends on the scale of the development proposed as follows:

Scale of Development	Level of Service & Fee	Timeframe for Responses
Do I need Planning Permission (DINPP) enquiry (including local validation requirements)	Written response to a completed DINPP Pro-Forma Free	Following a valid request a written response will usually be provided within 10 working days*
Minor Proposals Any proposal that involves: <ul style="list-style-type: none"> - Minerals and/or waste development on a site less than 0.5ha - Building or buildings less than 1,000m² - Variation of condition (section 73 application) for development involving any of the above; and - Details pursuant (Article 27) submissions 	Site Visit** } Officer Meeting** } £240 plus Written Advice } VAT***	Following a valid request a written response will usually be provided 15 working days after a meeting or where no meeting is held 20 working days from receipt of the valid request
	Further Officer Meetings	
Major Proposals Any proposal that involves: <ul style="list-style-type: none"> - Exploration, appraisal and production of hydrocarbons - Minerals and/or waste development on a site in excess of 0.5ha - Buildings or building for use in excess of 1,000 m²; and - Variation of condition (section 73 application) for development involving any of the above 	Site Visit** } Officer Meeting** } £850 plus Written Advice } VAT***	Following a valid request a written response will usually be provided 20 working days after a meeting or where no meeting is held 25 working days from receipt of the valid request
	Further Officer Meetings	
Planning Performance Agreements (PPAs)	Fees for PPAs will be dependent on the scale and nature of the proposal and will be agreed in advance with prospective applicants (see Section 7).	

*Where possible with simple enquires we will aim to respond within a shorter period of time.

**The fee will not be reduced where a site visit or meeting is not necessary as they are considered proportionate to the overall amount of time an officer is likely to spend on each request.

***VAT is charged on pre-application advice fees because the provision of the pre-application service is discretionary rather than a statutory duty. VAT will be charged at the current rate

6 Exemptions from charges

The charging scheme will only apply to pre-application discussions commenced on or after 1 July 2017.

The charging scheme does not apply to discussions in connection with applications under Section 96A of the 1990 Act for non-material amendments, permitted development enquires, EIA screening/scoping requests, advice given to local residents affected by development, discussions during site monitoring visits, or enforcement advice for unauthorised development. However, where advice from the Enforcement Team in connection with unauthorised development results in the need for a planning application, any subsequent discussions with regard to the application will be subject to charging.

No chargeable advice will be given over the telephone.

County Council Development (Regulation 3)

There are currently no charges for pre-application advice for Regulation 3 development proposals. However, those who wish to receive guidance on whether planning permission is needed for a proposal will be required to submit a 'Do I need planning permission' pro-forma with supporting documents.

Where formal pre-application advice is sought for a Regulation 3 proposal, the "Request for Regulation 3 pre-application planning advice" form must be completed and submitted with all the relevant supporting documents.

Other Exemptions

There may be exceptional circumstances where we will reduce or wave the fee, for example an application submitted of relevance to a charity.

Please note: All advice given by council officers is on the basis of information before them, without prejudice to the formal consideration of any planning application. Officers cannot therefore give guarantees about the final, formal decision that will be made should you wish to submit a formal planning application.

7 Planning Performance Agreements

A Planning Performance Agreement (PPAs) is a project management tool which allows the Local Planning Authority and prospective applicants to agree timescales, actions and resources for handling particular applications. PPAs can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications.

The objective of a PPA is one of co-operation and consistency throughout the negotiation and discussion relating to the pre-application and application processes. This helps to provide a likely degree of certainty for the intended outcomes and to improve the quality of the project and of the planning decisions.

East Sussex County Council will encourage applicants to enter into PPAs for major developments primarily to agree to a bespoke programming and appropriate resourcing of the pre-application and application processes.

Where a planning application for a major development proposal is submitted without a PPA, the determination timescales will remain at 13 or 16 weeks (depending on the requirement for an EIA), unless an extension of time is agreed.

Whilst a PPA will help ensure a major application is processed to an agreed timescale with meetings to help overcome issues that arise during the application process, the signing of a PPA between the applicant and the County Planning Authority does not prejudice the outcome of a planning application nor does it give a guarantee of planning permission.

Fees for PPAs will be dependent on the scale and nature of the proposal and will be agreed in advance with prospective applicants.

8 Method of payment

All requests for chargeable pre-application advice should be accompanied by the relevant fee for it to be considered a valid request. Please note that we will not be able to give chargeable advice without the fee and this fee is solely for the provision of planning advice and does not count towards the fee for any subsequent planning application.

Payments can be made by cheque payable to East Sussex County Council or over the phone by credit or debit card on 01273 481846.

Cheques should be sent with the completed form and supporting documents to the following address:

Planning Policy and Development Management
Communities, Economy and Transport
County Hall
St Anne's Crescent
Lewes
BN7 1UE

If you require further information on request forms or what development category best suits your proposal, please contact our Technical Support Team on 01273 481846 or email us at development.control@eastsussex.gov.uk.

9 What the Planning Team will do?

Stage 1: Initial Enquiry/Request

Complete and submit a 'Do I need Planning Permission Pro-forma'

Complete and submit a Pre-Application Request Form

Forms can be obtained from:

Our Website: <https://www.eastsussex.gov.uk/environment/planning/applications/making>

By Emailing: development.control@eastsussex.gov.uk

By Calling: 01273 481846

In person at East Sussex County Council, County Hall, St Anne's Crescent, Lewes, BN7 1UE

Stage 2: Response from ESCC

We will aim to respond within 3 working days of receiving a request for advice by email or letter confirming:

- Whether sufficient information and the fee (if required) has been received to proceed with the request as valid
- Whether we consider your proposal can be dealt with by the method requested
- The name of the planning officer who will be handling the enquiry

Stage 3: Contact from Case Officer

Within 10 working days of receiving a valid request the case officer will be in contact confirming:

- A suitable date and time for a site visit and/or meeting to be held. Where a site visit/meeting is not necessary depending on the level of service requested we will offer a written response within 20 working days of a valid request for minor proposals and 25 working days of a valid request for major proposal.

In the instance of a valid 'Do I need Planning Permission Pro-forma' the case officer will provide a written response within 10 working days.

Stage 4: Written advice/response

The case officer will follow up a site visit/meeting with a formal written response setting out a considered opinion of the development and the particulars as set out in Section 3 of this guidance, within 15 working days of the site visit/meeting for a minor proposal and 20 working days of a site visit/meeting for major proposals.

10 Where can I obtain further consultee advice?

Some consultees will provide a high level opinion as part of the pre-application planning advice given. However, should more detailed advice be sought on particular issues, this will need to be obtained directly from the relevant specialists/organisations. The contact details for some of the more common specialist/organisations are:

Service/Department/ Organisation	Where to obtain advice
Highway Authority (ESCC)	https://www.eastsussex.gov.uk/environment/planning/applications/developmentcontrol/tdc-planning-apps/
Lead Local Flood Authority (ESCC)	https://www.eastsussex.gov.uk/environment/flooding
Archaeology Team (ESCC)	https://www.eastsussex.gov.uk/environment/archaeology
Environment Team (including – landscape, ecology and noise)(ESCC)	https://www.eastsussex.gov.uk/environment/
Environment Agency	https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals

Please note: Some of these Teams may have a separate charging regime for providing pre-application advice

11 Important notes

- The advice provided by the Council's Officers is an opinion only and is made without prejudice to any formal decision that may be given in the event of an application being submitted.
- In particular, any advice given will not constitute a formal response or decision of the County Council as relevant planning authority. Any views or opinions expressed are in good faith, and to the best of ability, without prejudice to the formal consideration of any application, which will be subject to statutory public consultation/publicity and ultimately decided by the County Council. The County Council cannot guarantee that new issues will not be raised following the submission of a planning application and consultation upon it.
- Officers cannot give guarantees about the final formal decision that will be made on planning or related applications, however, the advice contained within the written response will be considered by Officers when considering any future planning application. This is subject to the proviso that circumstances and information may change, or come to light, that could alter the position. It should be noted that the weight given to pre-application advice will change if new material considerations arise.
- 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.
- Prior to submitting a planning application for which pre-application advice has been given you should always check that the advice is still current. There may have been a material change in national or local policy or information requirements if there has been a delay in submitting your application after the pre-application advice was given.
- The details of pre-application advice will not be available for public inspection. However, the County Council may be required to supply information relating to pre-application discussions to any party making a Freedom of Information Request (FOI) or Environmental Information Request (EIR). You must therefore, when sending a pre-application request, which you believe to be confidential, supply a covering letter or respond within the relevant section of the request form setting out the reasons why, and for what period, any information you provide relating to the enquiry, needs to remain confidential.
- Whilst Officers will do their utmost to ensure advice will be provided within the specified timescales, this may not always be possible. In such circumstances the case officer will notify you in advance to agree an extension of time to reply. In such circumstances the fee will not be refunded.

12 Contact us

If you have any queries about this guidance or filling in the pre-application advice request form please contact the team on 01273 481846 or at development.control@eastsussex.gov.uk.

Pre-application requests forms can be sent electronically to development.control@eastsussex.gov.uk.

Alternatively you can post the pre-application request form, supporting documentation and relevant fee to:

**Planning Policy and Development Management,
Communities, Economy and Transport
East Sussex County Council
County Hall,
St Anne's Crescent,
Lewes,
BN7 1UE**

13 Helpful Information

The following documents may be of assistance to you if you are looking to submit a formal planning application:

<p><u>The Planning Portal</u></p>	<p>This is a link to Planning Portal which is a useful website for providing information on multiple elements of planning. This is also where you will find the forms to submit a planning application.</p>
<p><u>Planning Practice Guidance</u></p>	<p>This is a link to National Planning Practice Guidance</p>
<p><u>Local Validation Guidance</u></p>	<p>This is a link to a document which sets out what information is required to be submitted with a planning application in order to make it valid.</p>
<p><u>East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (2013)</u></p>	<p>This is a link to the Waste and Minerals Plan, which sets out policies for the management of waste and the production of minerals.</p>
<p><u>East Sussex South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)</u></p>	<p>This is a link to the Waste and Minerals Sites Plan which indicates potential sites which might be suitable for waste management purposes. It also safeguards existing waste and minerals sites.</p>
<p>Local Development Plans</p>	<p>Wealden District Council <u>Wealden District Council – Planning and building control</u></p> <p>Rother District Council <u>Rother District Council – Planning and building control</u></p> <p>Hastings Borough Council <u>Hastings Borough Council – Planning</u></p> <p>Eastbourne Borough Council <u>Eastbourne Borough Council – Planning</u></p> <p>Lewes District Council <u>Lewes District Council – Planning and building control</u></p> <p>South Downs National Park Authority <u>South Downs National Park Authority – Planning</u></p>