

NORTHUMBERLAND

Northumberland County Council

Major Developments Protocol

November 2016



Working together to deliver major developments in Northumberland

The Benefits of Pre-Application Advice for Major and Strategic Schemes



The Council is committed to providing an efficient and effective planning service. It is therefore recognised that Major and Strategic Developments need to be appropriately resourced. To meet this the Council offers a dedicated pre-application advice service in the form of a Development Team Approach providing impartial and professional advice aimed at delivering appropriate development. This service is aimed at helping developers to submit a complete and accurate planning application which complies with relevant plans, policies and guidance. We will also advise if we consider a development not to be acceptable.

Our Objectives

Through the Pre-Application Advice Service, we will also provide the following in respect of Major and Strategic Developments:

- Explain how plans, policies and other requirements may affect a proposal.
- Identify at an early stage any need for specialist advice or issues that need to be addressed.
- Assist in the preparation of a planning application and ensure that all the necessary plans and supporting documentation is submitted with a planning application.
- Indicate any likely requirements for planning obligations to be made e.g. affordable housing, highway works, Section 106 or CIL, Section 38 or Section 278 Agreements.
- Reduce the time that developers and their professional staff/consultants will spend on working up a proposal.
- Highlight reasons why a proposal may be considered unacceptable saving time and the costs associated with submitting a formal application.
- Provide detailed advice which, if followed, will mean that a development can be determined without unnecessary delay.
- Pro-active engagement with Councillors, Town and Parish Council's and other key stakeholders including consultees within the Council, such as the Highway Authority, Conservation, Public Protection, Ecology and other specialists as part of the pre-application advice stage including, where appropriate, an opportunity to present a scheme to these audiences and enter into early stage discussions on Section 106 planning obligations.

Working Together to Deliver Major Developments in Northumberland

Definition of Major and Strategic Developments

Major Developments are defined as:

- Residential developments of 10-99 dwellings;
- Residential developments of 0.5ha or more, but less than 2.5ha;
- Non-residential development of 1,000m² or more, but less than 10,000m²;
- Non-residential development of 1ha or more, but less than 5ha;

Strategic Developments are defined as:

- Residential developments of 100 dwellings or more;
- Residential developments of 2.5ha or more;
- Non-residential development of 10,000m² or more;
- Non-residential development of 5ha or more;

Delivery

The Council aim is to determine major schemes within 13 weeks, or EIA schemes within 16 weeks. As the scope for negotiation is limited once a planning application is submitted, applicants are encouraged to 'front load' the process through timely and meaningful pre-application discussions.

The NPPF makes it clear (Paragraph 189) that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. The Council believes that engagement is key in achieving high standards of development which meet the aspirations of local communities and provides appropriate mitigation for potential impacts from proposals.

Development Viability

The Council accepts that there may be occasions where development proposals are unable to meet all the relevant policy requirements and still remain viable. Where the Council is satisfied that a development cannot be fully policy compliant and remain viable, a reduced package of planning obligations may be viewed favourably provided that a robust viability argument, including submission of a detailed financial appraisal, can be provided.

In all cases where planning obligations are being sought to be reduced or waived altogether, the Council will require a viability assessment to be undertaken normally using the residual land valuation model. The Council is currently preparing a Development Viability Protocol setting out specifically what will need to be submitted to underpin a viability argument and the expectations of how a financial appraisal will be carried out.



The approach should test the ability of a development project to meet its costs, including the cost of planning obligations, while ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer in delivering that project.

Submitted viability assessments will be appraised by the Council to determine whether a proposed development would be viable or not as a result of the planning obligations being required. Thereafter, a balanced view will need to be taken as to whether the obligation is necessary to make the development acceptable in planning terms.

The Value of Community Engagement

The Council offers a service that will advise developers of the most appropriate way to engage with interested parties, residents and local Councillors (including Town and Parish Councillors) for a proposed development. We are committed to consult and engage with people who live and work in the County, taking their views into account in shaping new developments and improving the quality of the built environment.

In order for all parties to gain maximum benefits from the Pre-Application process, it is essential that there is meaningful engagement between developers, residents, the Council, Town and Parish Council's and other relevant stakeholders.

Councillor Involvement

Most major applications will be determined by the Council's Strategic Planning Committee and it is good practice that Councillors are introduced to complex development proposals at the pre-application stage. This is of course subject to rules of probity and, in particular, that those Councillors who are members of the Planning Committee do not act in a way that gives the impression of pre-determining the matter. Further guidance on this is contained in the Members Planning Code of Good Practice.

The case officer will ensure that both County Councillors and Town/Parish Councillors are made aware of any pre-application and Section 106 discussions through notifications and briefings appropriate to the nature of the proposal. Minutes of all pre-app meetings will be produced and made available through the Council's Public Access system. Specific guidance is also being prepared for County Councillors and Town/Parish Councillors to provide further advice on their role in the process with relevant training to be provided by the Planning & Housing Team as part of a rolling programme.

The NPPF states that democratically elected members are strongly encouraged to participate at the pre-application stage where it is appropriate and beneficial for them to do so. [Section 25 of the Localism Act 2011](#) confirms that elected members do not have a 'closed mind' just because they have historically indicated a view on a matter relevant to the proposal.

What We Will Provide?

The Development Team Approach

- Opportunity to obtain initial advice from a Senior Planning Officer who will project manage the pre-application enquiry with the support of other specialist officers.
- The case officer will provide developers with the opportunity of an inception meeting for their team to present their proposal to the Development Team.
- The case officer will normally have visited the site unaccompanied in advance of the inception meeting but, if necessary, will make an accompanied visit upon request.
- Subsequent follow up meetings to the inception meeting, involving the developer, will be scheduled through a Planning Performance Agreement (PPA) which the case officer will seek to agree early in the process. The aim of the PPA is to agree a project plan and timetable covering the pre-application process, consideration of the planning application, discharge of planning conditions and completion of any S106 agreement if required. In addition, the PPA will include a future fee schedule for further meetings and service requirements included in the pre-application advice.
- The Development Team will have regular meetings to discuss 'Strategic Major' proposals submitted. This team will include Council officers from a wide range of services including Public Protection, Asset Management, Ecology, Conservation, Highways , SUDS and Legal.
- Facilitate involvement with Councillors, Town and Parish Council's and other key stakeholders where appropriate. For all Strategic and some Major schemes it may be considered appropriate to hold a meeting to allow developers to present emerging proposals to such audiences and also discuss potential S106 requirements to address local needs.
- The Council will provide a detailed response regarding the principle of the development, relevant planning issues and likely requirements and heads of terms for any S106 obligations.
- Detail any further information a developer may need to supply including validation requirements.
- Offer a dedicated validation meeting with the case officer and technical support to validate a planning application and ensure delays are not incurred through lacking information.
- The case officer who dealt with the pre-application enquiry, so far as possible, will be the same officer who will deal with the subsequent planning application.



What We Require From Developers?

To engage in efficient and effective pre-application discussions on Major Development schemes the Council will require sufficient information to enable us to give high quality advice. The following list is not exhaustive but does provide a guide on the level of information required at the pre-application stage. The more information a developer can provide in the early stages the more comprehensive the Pre-Application advice can be:

- Completed Pre-Application form, available on our website.
- A location plan at a scale of not less than 1:1250 showing the site clearly marked in red.
- Site layout plan at a scale of not less than 1:500.
- Drawings and sketches of the proposed development, elevations, adjacent buildings, parking, servicing, initial architectural detailing and materials where known.
- Details and photographs of the existing site and buildings, trees, topography and landscape features.
- Details of the applicant's status regarding land ownership.
- Full description of the proposals, including floor space and proposed uses where known.
- Appropriate fee (refer to the Council's Pre-Application Protocol).
- Draft Transport Scoping Study, Draft Transport Statement/ Assessment.
- Draft Travel Plan.
- Section 38 and Section 278 Proposals.

For Strategic Developments, the following information will be required in addition to that set out above:

- A project brief and vision for the site, including masterplan where available.

All relevant information relating to a Strategic Development proposal should be submitted on a CD. This will speed up the process and improve the Council's ability to respond in a timely manner.

Effective Planning Performance Agreements

Planning Performance Agreements (PPAs) are informal agreements between the Council and developers in order to secure collaborative and inclusive working in the successful delivery of the project.

PPAs are project plan frameworks through which Local Planning Authorities and applicants can manage planning proposals. For a PPA to be effective it is essential that these parties establish a collaborative relationship based on trust with good communication and regular exchanges of information. However, it is important to emphasise that a PPA is not a guarantee, nor an indication of likelihood, that a subsequent application will be approved. It relates solely to the process of considering development proposals and not to the decision itself.

A draft PPA will be provided to prospective developers by the case officer at the inception meeting. It is important to note that PPAs are not a passport to gain planning permission for inappropriate planning proposals. Planning legislation requires that decisions on planning applications must be taken in accordance with the Development Plan, unless material considerations indicate otherwise. The Council recognises that a broad range of matters, including development viability and market factors, can be material planning considerations and these will be weighed in the overall planning balance.

Section 106 Negotiations

The nature of S106 requirements will be assessed on an individual basis in respect of each planning application with reference to relevant policies. The Council will take a consistent approach to ensure S106 agreements are fairly related in scale and in kind to the proposed development.

The Council will seek to identify and negotiate on planning obligations as early as possible in the process. This helps to provide certainty for developers and ensure any associated costs can be factored into a development scheme during its early stages. This will also result in speedier decisions.

A front loaded approach to S106 agreements is a key part of the pre-application advice service on Strategic and Major development schemes. Developers are also encouraged as part of pre-application discussions to engage with Councillors, Town and Parish Council's and local communities and refer to the types and scale of planning obligation that are envisaged. The Council will provide a draft S106 agreement to developers at the pre-application stage or provide a model template for a unilateral undertaking to assist in the process.

Elected Members, Town and Parish Council's, other key stakeholder groups and local communities can all have an important role to play in identifying potential S106 requirements at the pre-application stage, through formal responses to planning applications and also through the preparation of a Neighbourhood Development Plan for their area identifying local social and physical infrastructure needs. To this end, officers are able to work with applicants to develop a strategy for member and community consultation on S106 obligations.

The Council is committed to ensuring openness and transparency in the S106 process and actively encourages Member and community participation. Training is to be provided for all County and Town/Parish Councillors on the pre-application and S106 processes to ensure that all Members can fully participate in discussions. In cases where County and Town/Parish Councilors have been involved in early stage S106 discussions, officers will provide regular updates on progress and feedback on any issues that arise during the negotiation process.

Details of all existing S106 agreements are held on an electronic Obligation Tracker which can be viewed via the Council's website www.northumberland.gov.uk.

A protocol on S106 Planning Obligations has been prepared to provide further information on the process.

Notes

Whilst the Council aims to provide an impartial and professional response to all pre-application proposals it cannot act as a planning consultant and any advice given cannot prejudice the Council's final decision on a proposal when a formal application is made. All planning applications will be subject to public consultation and ultimately may be decided by Planning Committee.

Where a planning application is submitted without the benefit of pre-application advice, or pre-application advice has not been followed, the application is likely to be determined without further negotiation except where only very minor amendments are required to make a development acceptable. Failure without reason to follow pre-application advice could lead to the refusal of planning permission.

Any subsequent alterations to national or local planning policy may also affect the advice given and it is prudent therefore to act in a timely manner following pre-application discussions. If at the time of an enquiry changes to policy occur, we will ensure developers are made aware of any implications arising for a proposal.

The service we provide relates only to planning matters. It should be noted that development proposals may also require consent under separate legislation including Building Control, Licensing and Highways legislation. Land may also have legal covenants on it that the Council are unaware of and these would need to be dealt with as a civil matter. We will ensure, so far as possible, that developers are put into contact with other Council services from whom consent may be required to deliver development proposals.

Costs

The cost of this service is based on the fees and charges set out in the Pre Application Advice Protocol. On the basis of one main meeting the current fee would be £1500 for small scale major development proposals and £2500 for strategic major schemes.

This fee covers the initial inception meeting and response as set out within the Pre Application Protocol. However, subsequent meetings as set out within an agreed PPA would require additional fees.

The Council believes that for Major and Strategic development proposals, the opportunity to obtain good quality advice that will carry weight in the decision making process is worth the investment in the pre-application service.

Ways to Apply

You can send your Pre-Application Form and Documents either by email or post:



planning@northumberland.gov.uk



Central Registry Team

Planning Department (Major Developments)
Northumberland County Council
County Hall
Morpeth
NE61 2EF

To contact the Council's Building Control Service, please email buildingcontrol@northumberland.gov.uk.