

## PLACE

### REGENERATION , INVESTMENT AND HOUSING

**March 2016**

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## CHARGING FOR PRE-APPLICATION ADVICE GUIDANCE NOTE

Newport City 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, albeit that we would recommend it.

It is a statutory requirement for the local planning authority to provide a pre-application advice service and this service is set out in the Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016.

The statutory service is separate to the council's discretionary service as set out in this document. The council's discretionary service includes extra discretionary services not detailed in or required by the statutory pre application advice service, such as meetings. However, the charging schedule in this document takes account of the statutory fees imposed by the Regulations.

If you require more information in connection with the statutory pre-application service and do not wish to request a meeting in association with a pre-application planning enquiry, you are advised to download the statutory pre-application advice guidance form (pdf) that you will need to complete in order to request the council's advice in accordance with the 2016 Regulations and the statutory pre application advice service. If you require extra services or your proposal does not fall within a category of development/project set out in the statutory process, you will need to use the discretionary service set out in this document.

Our aim is to encourage and promote high quality development and to improve the efficiency of our service. The council will aim to provide a responsive and professional service and will aim to provide pre application advice that will reduce uncertainty; aid the speedy processing of applications where the council's advice has been sought and acted upon; hopefully facilitate acceptable outcomes; and be cost effective for people preparing a planning application or considering submission of a planning application. These fees are in addition to the fees payable for the submission of applications. If you make an application having received advice for which you have paid, the full application submission fee remains applicable (i.e. no discount will be given).

With effect from 2 July 2012 in relation to the council's discretionary service and with effect from 16 March 2016 in relation to the provision of pre-application services as set out in the 2016 Regulations, all requests for pre-application advice on 'major' and 'minor' proposals (defined in Appendix 1) will incur a charge. Charges will also be made for compliance checks, discussion on variations of section 106s or conditions and researching of planning histories.

This guidance is intended to help you understand the most appropriate way to go about seeking advice. It should not be confused with the question of whether planning permission

is needed for a particular proposal (i.e. a permitted development enquiry). This is a different type of enquiry and may also incur a charge in accordance with the fees schedule and list of exemptions.

There are considerable benefits in seeking pre-application advice as:

- It gives you an opportunity to understand how our policies and other material planning considerations will be applied to your development
- It can identify at an early stage where there is a need for specialist input, for example in relation to listed buildings, trees, landscape, noise, flooding, transport, contaminated land, ecology or archaeology
- It will assist you in preparing proposals for formal submission which, providing you have taken our advice fully into account, should be handled more quickly
- It may lead to a reduction in time spent by your own professional advisors in working up proposals
- It may indicate that a proposal is completely unacceptable, saving you the cost of pursuing a formal application
- It will help you to identify and understand what you need in order for your application to be validated by the local planning authority
- If you take on board pre-application advice, it may speed up the processing of the subsequent planning application. This cannot be guaranteed but is a possible benefit in some cases.

In addition to the pre-application advice guidance outlined in this note, general advice and information, including the council's Local Development Plan and Supplementary Planning Guidance, is available on our website at

<http://www.newport.gov.uk/en/Planning-Housing/Planning/Planning-policy/Planning-policy.aspx>

And on the Planning Portal website at [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

## **WHAT MATTERS WILL BE COVERED WHEN DEALING WITH PRE APPLICATION REQUESTS?**

The matters which could be the subject of pre application advice include:

Planning history of the site; Statutory designations of the site, such as conservation areas, listed buildings, protected trees and nature conservation status; Relevant planning policies and other material factors applying to the site/development; Advice on completing the necessary forms, plans and establishing the correct fee; A consideration of the necessary and site specific supporting information and documents including Design and Access Statements, Flood Consequences Assessments, Transport Assessments, Retail Impact Assessments, etc.; Advice regarding the procedure, consultation arrangements and estimated time scale for processing the application and useful contacts and sources of information where applicable; Any requirements for developer contributions to the infrastructure necessary to support the proposed development, for example affordable housing, open space, sustainable transport; Any applicable technical standards relevant to the development (e.g. parking numbers and sizes, etc); Informal, and without prejudice, comments on the content, preparation and presentation of an application likely to satisfy the council's planning policies; The merits of draft proposals (e.g. appropriateness of design), and the provision of copies of any relevant documents, subject to the council's standard charges for documents.

## **INFORMATION WE WILL NEED FROM YOU [to be referred to as 'essential information']**

**All requests for pre-application advice must be made in writing by letter or by email and all pre-application enquiries must include the information detailed below as a minimum.**

- Written details of the address and proposal
- Description of the nature and scale of the development proposed and the uses to which land and buildings are to be put
- Site location plan with the site clearly marked (to a recognised scale and with a north point)
- Sketch drawings providing details of the proposal (to a recognised scale)
- Contact details including phone number and email address
- Confirmation of the current or last use of the site
- A list of key issues that you consider relevant or that may require a specific response
- The appropriate fee (see the list of charges at Appendix 1) - no advice or site visits will be undertaken until the full fee has been paid

## **ADDITIONAL INFORMATION WHICH MAY HELP ENQUIRIES [to be referred to as 'site specific information'] \***

- Photographs of the site and surrounding area, with particular regard to any nearby houses or other development which might be affected by your proposal
- Access and parking arrangements
- Preliminary ecological, landscape, contamination, flood, retail, noise and transport assessments depending upon the location, nature and complexity of the development. We also recommend the submission of an initial design and access statement for comments.

*\* You will be advised by the case officer if site specific information is considered necessary to enable a response to be given.*

## **WHAT WE WILL DO**

On receipt of your initial enquiry, we will check the information provided by you and request further information if necessary. We will also check that the appropriate fee has been paid. If it has not, or if we consider that further information is required to enable us to provide suitably detailed and effective pre-application advice we will write to you confirming that we will not progress your enquiry until the appropriate fee has been paid and/or the requested information provided.

In cases where you have requested that the council provide pre-application advice on multiple sites; or for multiple types of developments on the same site; or for multiple uses

on the same building(s)/site, it will be at the area manager's discretion to break your request down into multiple requests and charge multiple fees as appropriate.

If your request relates to development where no fee category can be clearly defined pursuant to this schedule, it will be for the area team manager to confirm the fee payable having regard to the nature of the enquiry, officer resources likely to be required to respond to it and the fees levied for comparable requests. You will be advised of the fee required. If you wish to discuss this matter you will be directed to the area team manager. However, please note that the provision of pre-application advice over and above the statutory service set out in the 2016 Regulations is a discretionary service and the service can refuse to provide pre-application advice where the required fee has not been paid.

Once the correct fee has been paid and essential information provided, your enquiry will be allocated to an appropriate officer.

An acknowledgement will be sent within five working days of a valid enquiry being received and it will include a receipt for the fee and confirmation of the officer handling the request. We will do our best to reply within 56 days. In particularly complex cases, more time may be needed and we will advise you when you may expect a reply.

If you provide us with an email address, this will be our primary point of contact. If your enquiry is received in the English language we will accept it as your chosen language for communication purposes unless you explicitly state otherwise. The written reply setting out our advice will comprise the service for the standard charge. Further enquiries will be charged another fee.

If we do not have enough information to answer your enquiry fully as you have not provided detailed information or we consider that 'site specific information' is necessary then we will write to you by letter or email, setting out what information we need. Alternatively, we will proceed to provide a response but advise you of the limitations of our advice in our written response or at a meeting.

If the additional information required is, for any reason, likely to take more than 28 days to prepare and submit, your pre application submission and fee will be returned to you. Otherwise, it will be held pending receipt of the requested information and on its receipt the case officer will proceed to consider and respond to the enquiry.\*\*

In any event, if you fail to reply to a request from us requesting additional information, we have the option of taking no further action in relation to your submission. Information submitted with your request will not be returned as a matter of course. However, for pre-application submissions that have not been validated for reasons outlined above and consequently the case officer has been unable to progress your request, fees will be refunded.

Where a meeting is sought, we will arrange a suitable date depending on the complexity of the scheme and the amount of work that will be needed beforehand. This may include any time necessary to obtain initial views of other interested parties such as the landscape officer, planning policy officer etc. However, no meetings will take place without prior sight of the essential and site specific information required.\*\*

Attendance of other officers at the meeting, including specialist advisors, will be at our discretion and based on the availability and resources of relevant Council departments but will not require the payment of additional fees.

Following the meeting, we will confirm the advice in a letter or email. Again, this will usually

be within 56 days unless the proposal is particularly complex, when an alternative timescale will be agreed at the end of the meeting.

Should a further meeting be required, the scope for such a meeting will be established beforehand together with the relevant fee which must be received together with any relevant document before the subsequent meeting.

Any meeting will normally take place at the Civic Centre, Newport. The manager may exceptionally vary this to allow a request for a meeting on site or outside the Civic offices. If so, the fee may be adjusted to reflect time and cost spent travelling.

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

*\*\* The case officer may use their discretion if they consider it appropriate and commence consideration of your enquiry and make arrangements for any necessary meetings in advance of the 'site specific' information being received. This will not apply where the authority awaits receipt of "essential information" and will be the exception not the norm.*

## **SITE VISITS**

Site visits are at the discretion of the case officer.

## **WHAT THE COSTS COVER**

These fees cover administration and officer resource costs and the time spent in research, assessment, a meeting, and in making and checking a written response.

Any requests for written advice must be accompanied by the relevant fee otherwise advice cannot be provided. Each project or separate site referred to in an enquiry will be charged at the appropriate rate. Multiple requests for advice in respect of different sites will attract the appropriate multiple fees. The council has the right to determine the fee. In the event of any disputes, the issue will be referred to the Council's Head of Regeneration, Investment and Housing who will arbitrate. Where the appropriate fee is not paid within 15 works days after a reminder, no response will be given.

### ***Please note:***

Our pre-application advice service is offered to both developers and individual applicants including householders. In either case there are some general points which you should take into account before you contact us:

- Try to contact us at the earliest reasonable opportunity in your project
- Undertake some initial research including looking at our notes on how to submit a valid application
- Sound out the views of those who may be affected by your proposals
- Remember, the more information you can give us, the more accurate and helpful our response can be - vague proposals can receive only vague advice. A key to the success of this service will be you providing us with adequate information in advance - this is set out in more detail in the documents mentioned above, **and**
- On complex issues be prepared to seek private professional help - our service is not intended to be an alternative to employing professional consultants

We will always do our best to give you the best advice we can based on the

information you provide us and the information that is available to us. On occasion, information may come to light following initial pre-application discussions that alters the case officer view of a scheme and the accuracy of the information you provide will affect this in some cases. However, you need to be aware that any advice given by council officers for pre application enquiries does not constitute a formal decision by the council as the local planning authority. Any views or opinions are given in good faith, and to the best of our ability but without prejudice to the formal consideration of any planning application.

The final decision on any application that you may then make can only be taken after we have consulted local people, statutory consultees and any other interested parties. It will be made by the planning committee or under powers delegated to the Head of Regeneration, Investment and Housing and be based on all of the information available at that time.

You should therefore be aware that officers cannot guarantee the final formal decision that will be made on your application(s). However, any pre-application advice that has been provided will be carefully considered in reaching a decision or recommendation on an application; subject to the proviso that circumstances and information may change or come to light that could alter that position and whether or not such advice has been fully heeded by you.

Please note that in cases where the submission of planning applications are delayed following the receipt of advice, the weight given to pre-application advice will decline over time, and can be superseded by new government advice or new planning policies.

***\*Fees are non-refundable\****

### **Freedom of Information Act**

While the details of pre-application enquiries will not be available to view on the council's website and relevant negotiations and advice will not be disclosed to third parties as a matter of course, the provisions of the Freedom of Information Act 2000 affect the council as a public authority and therefore you should be aware that the local planning authority may be required to disclose information supplied to the council if requested by a third party as part of a Freedom of Information request.

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 of the Act, you should include a statement to this effect and the reasons for it as part of your written submissions. The council will endeavour, having regard to the Act, to ensure confidentiality but any such requests must be marked as confidential and must clearly state demonstrable issues of commercial sensitivity or other significant reasons why this information may not be made public. The council will not be held responsible for such issues subsequently found to be inadequate by the Information Commissioner and therefore you should take legal advice if you have any concerns regarding this matter.

### **CONTACT DETAILS**

Please send your pre-application enquiries to:

Email: [planning@newport.gov.uk](mailto:planning@newport.gov.uk)

Letter:

Development Management  
Regeneration, Investment and Housing  
Newport City Council  
Civic Centre  
Newport  
NP20 4UR

Any queries then either email or telephone on (01633) 656656

## **CHARGES FOR THE COUNCIL'S DISCRETIONARY PRE-APPLICATION SERVICES**

### **Appendix 1**

The fees cited in the charging schedule are inclusive of VAT unless otherwise stated. In all cases it is at the discretion of the area team manager to determine the fee payable for pre-application advice. It is important that you provide full details of your proposals and other information you consider relevant to your enquiry. If you are unsure of what information may be necessary, please refer to the 'Information we will need from you' section of these notes and/or discuss information required with a planning officer.

Cheques are payable to Newport City Council. Card and cash payment is accepted at the council's Information Station and card payment is also possible over the phone by contacting planning support on ( 01633) 656656.

The following charges will also apply to any pre-application advice sought in connection with any pre-application advice (not permitted development enquiry) sought by the Welsh Government (unless determined by other charging regulations), central government departments, housing associations, internal council departments, utility companies and statutory undertakers.

**Queries relating to the renegotiation of section 106 Legal Agreements relating to any type of development will be charged an equivalent fee to the applicable pre-application charge for the type of development to which the relevant permission relates.**

For example, renegotiation of a section 106 on a 'major' development will be charged £720. Discussions on variations of conditions to extend the lifetime of a planning permission will be charged in the same way. Charges made in relation to other variation of conditions advice queries will be at the discretion of the area team leaders/manager and commensurate with the council resources required to complete a response.

**Please note:** if you only require written advice in connection with your enquiry and your project is included within the types of development listed by our statutory pre-application service you will need to complete the appropriate form (pdf) and refer to the separate guidance notes relating to this service.

<b>Major developments Type of development</b>	<b>Meeting with written follow up</b>	<b>Additional meeting with written follow up</b>
<b>Large major development</b> (25 or more residential units including conversion/2000sqm+ of commercial floor space including changes of use/other development on sites of more than 1ha /development requiring EIA/ other large scale or complex applications that require significant officer input – e.g. windfarms - that might otherwise fall into a minor development)	£1220	£550
<b>Major development</b> (10-24 residential units including conversion or with a site area of 0.5ha-1ha or conversion to a HMO comprising more than 15No. bedrooms/1000-1999sqm commercial floor space including changes of use/mixed use development with a combined floor space of 1000- 1999sqm/other development on a site of 0.5-0.99ha) Minerals and waste development	£720	£300
<b>Minor development</b> [1-9 residential units including conversions to more than one dwelling or conversion to a HMO; less than 1000sqm of commercial floorspace including change of use/mixed use development with a combined floorspace of less than 1000sqm/other development on a site of less than 0.5ha)/ agricultural developments (except where exempt (see below)/ non-domestic enquiries requiring confirmation of permitted development except where exempt (see below)]/works requiring heritage only advice on Listed Building or Conservation Area Consent.	£335	£150
<b>Householder Permitted Development enquiries*</b> Advice on whether householder development proposals are likely to be permitted development	£25	



*\* All permitted development queries are best answered in a formal manner via the submission of a Certificate of Lawfulness application. If requested, informal advice and guidance will be provided where appropriate and will not prejudice any formal decision later made by the authority in connection with any formal submission relating to the matter.*

## **Adverts**

Advertisements

£50 for written advice only

## **Childminding enquiries**

Childminding enquiries

£35 for written advice only following completion and submission of childminding premises questionnaire (pdf)

## **Copies of information held by the local planning authority and requests to research site history or the discharge of planning conditions**

Planning decision notices from 1989 to the present day are available to view online at [www.newport.gov.uk/planningonline](http://www.newport.gov.uk/planningonline). You can also search for reference to all planning applications (back to 1989) via the council's mapping database <http://my.newport.gov.uk/iShare/myNewport.aspx> and selecting the 'planning' overlay from the category selection.

Should you require the development management section to provide you with site history, details of conditions, their discharging and any other related information in connection with the sale, purchase or lease of a building or piece of land, a standard fee of £100.00 per hour or part thereof will apply to any requests with a minimum charge of £100 levied in all cases.

This will be calculated based upon 20 minutes of officer time per condition to be checked. For example, if you would like us to confirm the discharging of conditions on a permission that has 10 conditions (200 minutes of officer time) this will cost £400. This is a non-statutory service provided by the authority. Should you wish the authority to check specific conditions of a planning permission rather than all, your enquiry must make this clear or the fee for our service will be based upon the number of conditions on the permission (e.g. you want us to check three conditions on a permission with 10 conditions in total so the fee would be based upon an hour of officer time and the fee would be £100).

Requests for this service should be sent to [planning@newport.gov.uk](mailto:planning@newport.gov.uk) and payment will be required in advance. The authority will aim to provide a response to all such requests within 21 days of their receipt (to include the relevant fee). Please be advised that the fee charged is for desk based assessment. Site visits will not be undertaken as standard. It is the responsibility of the applicant/developer to ensure that they comply with conditions of any planning permission.

Upon request, limited information from archived files dated between 1998-2008 may be made available to view online. This will be subject to a charge based upon anticipated officer time to upload such information and you will be advised of this cost in advance. Please note that prior to 1998, only decision notices are available.

## **OTHER DEVELOPMENTS (EXEMPTIONS)**

There will generally be no charge for the following:

- Advice relating to works to trees protected by Tree Preservation Order or by reason of location within a conservation area [refer to Heritage example note above regarding the extent of exemption]
- Small scale development for non-profit making community facility or small scale scheme by a registered charity or voluntary sector organisation

- Confirmation of permitted development pursuant to telecommunications notifications in accordance with Part 24 of the Town and Country Planning (General Permitted Development Order) 1995 (as amended)
- Confirmation of permitted development required pursuant to notifications received from Statutory Undertakers
- Enquiries relating to the resolution of enforcement cases
- Permitted development enquiries relating to agricultural development
- Enquiries relating to domestic properties and whether or not permitted development rights have been removed (this does not include advice on whether or not planned development is permitted development – see relevant charge above)
- Enquiries seeking clarification regarding requirements to discharge conditions of any planning permission (this does not include advice on the discharge of reserved matters linked to outline planning permissions; advice on variation of conditions or section 106 Legal agreements; confirmation that conditions have been discharged – see charges above);
- The only exception to the above will be if, at the discretion of the area team managers, a meeting is held or site visit is necessary for a proposed development or enquiry. In such cases, a charge will be levied at an appropriate and reasonable rate commensurate with the service resources involved.

You will be advised of, and be required to pay the charge prior to any meeting or site visit taking place.

### **How to pay**

You can pay the fee:

- in cash at the Information Station - please do not send cash in the post
- by cheque payable to Newport City Council via post or at the Information Station
- by credit or debit card at the Information Station or over the phone by speaking to the development services support team on (01633) 656656 (phone payments between 10am-12am and 2pm-4pm only).