



## PLACE REGENERATION, INVESTMENT AND HOUSING

March 2016

### CHARGING FOR PRE-APPLICATION ADVICE GUIDANCE NOTE STATUTORY PRE APPLICATION SERVICES

#### Background

In accordance with the Town and Country Planning (Pre-Application Services)(Wales) Regulations 2016, Newport City Council provides a pre application service for qualifying projects\* as set out in Part 4 of the Regulations. **This service is for written advice only.** Should you require a meeting, services not covered by this guidance note, or require advice in connection with a non-qualifying project, you should refer to the [Council's discretionary pre application services guidance and separate fees schedule](#) (pdf). Householder enquiries will only be dealt with by the statutory service and no meetings will be arranged.

#### What we need from you

Any request for pre application services in respect of a qualifying application\* must:

- a. Be made in writing to the local planning authority on a [form published by the Welsh Ministers](#) (pdf)
- b. Include the particulars specified or referred to in the form
- c. Be accompanied by any plans or drawings specified or referred to in the form and the fee required to be paid in respect of the request for pre application services (refer to Appendix 1).

Any plans or drawings required to be provided must be drawn to an identified scale and, in the case of plans, must show the direction of north.

*\*Qualifying applications are applications for planning permission made to the Local Planning Authority for the development of land in Wales except applications pursuant to section 73A of the 1990 Act (i.e. development already carried out).*

## **What we will do**

Upon receipt of a valid request for pre application advice, the local planning authority will acknowledge your request in writing and confirm the case officer details and the date by which you should expect a written response.

[No meetings are arranged with you in connection with this service. If you wish to arrange a meeting with the Local Planning Authority in connection with your enquiry you should refer to the Council's [discretionary pre application services guidance and separate fees schedule](#) (pdf) ].

We will respond in writing to you, including the following information:

- The planning history of the land on which the proposed development is to be carried out so far as it is relevant to the proposal;
- The provisions of the development plan, so far as material to the proposed application;
- Any supplementary planning guidance, so far as material to the proposed application;
- Any other considerations which are or could be material in the opinion of the Authority: and
- An initial assessment of the proposed development on the basis of the information provided above.

In the case of enquiries relating to qualifying applications other than proposed householder applications, we will also include the following;

- Whether planning obligations (within the meaning of section 106 of the 1990 Act (planning obligations) are likely to be required and, if so, an indication of the likely scope of such planning obligations, including an indication of any sum which may be required to be paid to the Authority;
- Whether a liability to pay a Community Infrastructure Levy is likely to arise, and if so, an indication of the likely amount; and
- Details of any documents and particulars or evidence that would be required for a subsequent application to be a valid application.

We will aim to respond to your enquiry within 21 days beginning with the day on which a valid request for pre application services is received or such other period as we may agree in writing with you.

If a cheque you have provided is subsequently dishonoured, the 21 day target period will disregard the period between the Authority sending you the notice of dishonouring the cheque and the date we are satisfied that the correct fee has been received.

## **Site visits**

Site visits are at the discretion of the case officer.

## **What the costs cover**

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 will 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.

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  
Civic Centre  
Newport  
NP20 4UR

Please email or telephone (01633) 656656 with any queries.

## Appendix 1

### WHAT ARE THE CHARGES FOR THE COUNCIL'S STATUTORY PRE-APPLICATION SERVICES?

The fees cited in this schedule are not vat-able. In all cases, the area team manager will determine the fee payable for pre application advice.

Cheques are payable to NEWPORT CITY COUNCIL. Card and cash payments are accepted at the Information Station and card payment is also possible over the phone by calling (01633) 656656 and asking for the planning technical support staff.

Please note that if you require services over and above those covered by the statutory pre application advice service, you must refer to the separate guidance document relating to [discretionary pre application services](#) (pdf).

#### Interpretation

'Householder application' ('*cais deiliad tŷ*') has the same meaning as in article 2(1) of the Development Management Procedure Order.

Where a request for pre-application services relates to a proposed householder application, the fee payable is £25.

Where, in respect of any category, the fee is to be calculated by reference to the site area, that area must be taken as consisting of the area of land to which the proposed application relates.

In relation to proposed development within category 2 or 3, the area of the gross floor space to be created by the proposed development must be ascertained by external measurement of the floor space, whether or not it is to be bounded (wholly or partly) by external walls of a building.

Where a request for pre-application services relates to proposed development within more than one category, a single fee is payable which is the higher or highest of the fees calculated in accordance with each such category.

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<i>Category of proposed development</i>	<i>Fee Payable</i>
1. The erection of dwellinghouses	(a)Where—  (i) the number of dwellinghouses to be created by the proposed development is one to nine, £250,  (ii) the number of dwellinghouses to be created by the proposed development is 10 to 24, £600,  (iii) the number of dwellinghouses to be created by the proposed development exceeds 24, £1,000;  (b) where the number of dwellinghouses to be created is not known and—  (i) the proposed site area does not exceed 0.49 hectares, £250,

<i>Category of proposed development</i>	<i>Fee Payable</i>
	<p>(ii) the proposed site area is 0.5 to 0.99 hectares, £600,</p> <p>(iii) the proposed site area exceeds 0.99 hectares, £1,000.</p>
2. The erection of buildings (other than dwellinghouses)	<p>(a) Where—</p> <p>(i) the area of the gross floor space to be created by the proposed development does not exceed 999 square metres, £250,</p> <p>(ii) the area of the gross floor space to be created by the proposed development is 1,000 to 1,999 square metres, £600,</p> <p>(iii) the area of the gross floor space to be created by the proposed development exceeds 1,999 square metres, £1,000;</p> <p>(b) where the gross floor space to be created by the proposed development is not known and—</p> <p>(i) the proposed site area does not exceed 0.49 hectares, £250,</p> <p>(ii) the proposed site area is 0.5 to 0.99 hectares, £600,</p> <p>(iii) the proposed site area exceeds 0.99 hectares, £1,000.</p>
3. The making of a material change in the use of a building or land	<p>(a) Where the request for pre-application services relates to a proposed application for permission for a material change in the use of a building and—</p> <p>(i) the area of the gross floor space of the proposed development does not exceed 999 square metres, £250,</p> <p>(ii) where the area of the gross floor space of the proposed development is 1,000 to 1,999 square metres, £600,</p> <p>(iii) where the area of the gross floor space of the proposed development exceeds 1,999 square metres, £1,000;</p> <p>(b) where the request for pre-application services relates to a proposed application for permission for a material change in the use of land and—</p> <p>(i) the site area does not exceed 0.49 hectares, £250,</p> <p>(ii) the site area is 0.5 to 0.99 hectares, £600,</p> <p>(iii) the site area exceeds 0.99 hectares, £1,000.</p>
4. The winning and working of minerals or the use of land for mineral-working deposits*	£600.
5. Waste development	£600.

\*For the definition of “mineral working deposit” see section 336 of the 1990 Act.