



Norfolk County Council

**A Guide to Pre-Application
Advice for Mineral, Waste,
County Council
Development and SuDS**

July 2017

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1. Background

- 1.1 Norfolk County Council (“NCC”) as the County Planning Authority (“CPA”) deals with planning applications for minerals, waste and the County Council’s own developments. Under the Flood and Water Management Act 2010, NCC became a Lead Local Flood Authority (“LLFA”) with responsibilities for local flood risk management. As a LLFA the authority is a statutory consultee for major planning applications. In this role it provides technical advice to Planning Authorities on surface water drainage including sustainable drainage systems (SuDS).
- 1.2 As part of the Planning and Compulsory Purchase Act 2004 Local Authorities were required to produce a Statement of Community Involvement, setting out how the public will be involved in the planning process, including the pre-application stage. The Killian Pretty Review (2008) of the planning system recognised that a key driver to delivering an effective Planning Service is the availability of pre-application advice from a Local Planning Authority (“LPA”). More recently, the National Planning Policy Framework (“NPPF”) (2012) and the DCLG Planning Practice Guidance (“PPG”) (2014) reiterates that principle. This policy framework and guidance encourages applicants to take an early, proactive approach to pre-application advice offered by LPA, as a way to improve the efficiency and effectiveness of the planning process and assist in the issuing of timely decisions.
- 1.3 NCC has offered such a service for many years but is no longer able to provide this service free of charge. Exercising its powers under the Local Government Act 2003, the Council will levy charges for pre-application advice as this is a discretionary service. The charge will enable the Planning Service and statutory consultees to provide and sustain an improved level of service.
- 1.4 The CPA encourages pre-application discussions. However, in order to provide a constructive pre-application advice service and to deal with more complex proposals, additional resources are needed which cannot be covered by planning applications fees. Therefore, the County Council offers a pre-application advice service in accordance with the service standards and charges set out in this document.

2. Why seek pre-application advice

- 2.1 The pre-application advice service will aim to ensure that prospective applicants for planning permission for minerals, waste, and County Council development will have access to the application requirements, the factors to be considered by the County Council when determining the applications and the likelihood of gaining planning permission for a given proposal.
- 2.2 This approach is beneficial as it provides applicants / agents with full information at an early stage to assist in formulating a proposal before committing to costs and incorporating sufficient information in the application to

maximise its chances of success. This approach is also intended to facilitate an efficient application and decision process resulting in quicker outcomes.

3. Pre-application Service

- 3.1 The CPA will respond to enquiries over the telephone on straightforward matters that do not require research or a written response. However, for any query that involves research or a formal written response, a fee is payable and the pre-application advice procedure should be used.
- 3.2 This pre-application charging arrangement only applies to applications which the County Council determines and/or for which it has a role as a statutory consultee as the LLFA.
- 3.3 If you require a formal determination from the County Council as to whether an existing or proposed development or use of land / buildings is lawful for planning purposes or does not require planning permission, you should apply for a Lawful Development Certificate. The requisite forms are available on the County Council's website <https://www.norfolk.gov.uk/rubbish-recycling-and-planning/planning-applications/submit-an-application> or the Planning Portal website <https://www.planningportal.co.uk/>
- 3.4 If you require a formal determination as to whether an Environmental Impact Assessment ("EIA") is required, a Screening application must be submitted to the relevant planning authority under the EIA Regulations.¹
- 3.5 If you require a formal Scoping Opinion on the information to be included in an Environmental Statement, a formal request must be made under the EIA Regulations to the relevant planning authority.
- 3.6 If you require an opinion as to whether an Appropriate Assessment is required, a formal request must be made under the Habitats Regulations to the relevant planning authority and a Habitats Regulations Assessment prepared.

4. Limitations of pre-application advice

- 4.1 The advice provided is an officer's professional judgement, without prejudice and does not bind the County Council to any course of action. Neither does it prejudice any future decision made by the County Council, in considering any subsequent planning application.
- 4.2 The CPA retains the right to decline to provide pre-application advice where it is considered that;
- there is no prospect of success for a proposed development or,

¹For applications relating to minerals, waste and the county council own development, an EIA screening and / or scoping request or an Appropriate Assessment request should be submitted to Norfolk County Council <https://www.norfolk.gov.uk/rubbish-recycling-and-planning/planning-applications> For all other types of development, requests should be submitted to the relevant local planning authority, in which the proposed development lies.

- there is insufficient information provided upon which meaningful advice can be based or,
- due to resources it is considered that the CPA cannot provide pre-application advice. In this case, if a fee has been paid, it will be returned, or
- the applicant / requestor declines to pay the appropriate fee

5. Requesting pre-application advice

- 5.1 If you would like to request pre-application advice then you should submit a pre-application request form by email or post. This submission should include supporting information and agreement to pay the appropriate fee.
- 5.2 In order that a full response can be provided to you, sufficient information must be provided with the request. As a minimum this must include details of the site and its location, shown on a plan, and details of the proposal. Information should take the form of written descriptions, plans and/or sketches in a comprehensive form sufficient to allow officers to gain a full understanding of the proposed development and therefore maximise the quality and detail of the advice it will be possible to provide.²
- 5.3 The request form and supporting information should be sent to Planning Services, Norfolk County Council, Floor 6 County Hall, Martineau Lane, Norwich, NR1 2SG. The request form and supporting information can alternatively be e-mailed to mawp@norfolk.gov.uk
- 5.4 All information held by the County Council is subject to the provisions of the Freedom of Information Act 2000 and Environmental Information Regulations 2004. If you consider your request for pre-application advice sensitive you must specify this on the request form and state the reasons. Personal details will not be disclosed in accordance with the Data Protection Act. However, the County Council under the aforementioned Act/Regulations maybe obliged to disclose information about pre-application requests and the advice provided, but you will be contacted in such a case at which point you will be asked to provide your justification for not disclosing the information.

6. Pre-application response times and service standards

- 6.1 The CPA will make contact within 3 working days of receipt of the request to confirm receipt and to notify you of the relevant case officer and their contact details. If a meeting is requested, the case officer will contact you within 10 working days of receipt of the request to make arrangements. Meetings will normally take place at County Hall, Norwich, except for cases where a meeting on site is requested.

²NCC recognises, however that at an early stage of a project full details may not be known and maybe further developed following discussions with County Council officers and other consultees. As general advice, as much information as possible should be provided. The lack of sufficient information at this stage could lead to the pre-application advice not being provided.

- 6.2 If the request is for a written response only, the response will be provided within 20 working days of the date of receipt of a valid request, unless an extension of time is agreed in writing between the CPA and the requestor.
- 6.3 Any written response to be provided following a meeting will include a summary of the matters discussed and will be provided within 10 working days of the meeting.
- 6.4 If a meeting has to be postponed e.g, due to absence of relevant case officer, the CPA will use best endeavours to re-arrange it within 5 working days.
- 6.5 All advice will be provided by a suitably qualified officer. Specialist advice internal within the county function is available and will be sought upon request by you. The fee to be agreed is on a case by case basis. Advice required from other statutory consultees e.g the Environment Agency and Anglian Water should be sought separately as their own pre-application charging schedule will apply.
- 6.6 Any further meetings and/or written responses will be charged in accordance with the stated charges.
- 6.7 Normally, the officer providing the advice will also deal with any subsequent planning application when submitted. This is not always possible, however, and whilst every effort will be taken to ensure this is the case, however this cannot be guaranteed.

7. Scope of the Pre-application Service

- 7.1 The scope of advice provided will depend upon the individual case and the matters requested to be discussed. The list is not exhaustive but will include some or all of the following:
- 7.2 Planning advice
- The relevant documentation required to be submitted with an application, including necessary supporting documents in accordance with the County Council's Local List;
 - The requisite planning application fee;
 - Any recommended pre-application consultation with other bodies;
 - Relevant site constraints, development plan policies and national planning policies;
 - Whether the proposal is likely to accord with the development plan and national policies, and whether planning permission is likely to be granted;
 - Relevant planning history held by the County Council

- Whether it is likely that a section 106 agreement will be required;
- Explanation of the decision making process and likely timescales.

7.3 Minerals and Waste Policy advice

- Advice on mineral safeguarding

7.4 Specialist advice

7.5 Lead Local Flood Authority (LLFA) advice

- Discussion of risk and drainage options
- Relevant national and local planning policies
- Review of proposals against compliance with the national standards and guidance for sustainable drainage and indicate whether SuDS approval is likely to be granted
- Review of relevant documentation required to be submitted with an application
- Commenting on draft submission material
- Review of draft technical information including calculations
- Provision of information relating to consenting for works on ordinary watercourses
- Provision of information relating to adoption of the drainage scheme in accordance with section 38 of the Highways Act 1980

7.6 Natural Environment Team advice

- Whether the proposal is likely to have an impact on trees, landscape or ecology.

Arboriculture:

- Advise on the level of information required to support an application
- Comment on the merits of different development options. The level of information required to provide pre-application advice will vary from site to site. Photographs of the site and a plan locating the trees on the site may be sufficient in some instances. For more involved applications a topographical survey and Arboricultural Impact Assessment (AIA) that includes a Tree Constraints Plan may be required at the initial design stage in order that trees are considered as part of the iterative design process

- Further information on this process can be found in the flow chart, Figure 1 of BS 5837:2012 Trees in relation to design, demolition and construction (see appendix B).

Landscape:

- Baseline information regarding the landscape context of the proposal. This could include details of landscape character, conservation areas, and any landscape policies of particular pertinence to the prospective application.
- Highlight when a Landscape and Visual Impact Assessment or Appraisal will be required and advise where appropriate. With a suitable level of information, viewpoints can also be agreed for the purposes of Landscape and Visual Impact Assessment / Appraisal.

Ecology:

- Whether any aspects are likely to impact on ecology. Protected species surveys can be recommended where considered necessary. As there are optimal survey periods for many species of wildlife, early consultation and the scheduling of surveys can often avoid unplanned delays to a scheme.

7.7 Historic Environment advice

- Whether the proposal is likely to have an impact on known or potential heritage assets and the scope of any field evaluation required necessary

7.8 Highways advice

- Advice in relation to access arrangements, parking standards, routing agreements and travel plans
- Whether or not approval is required for works within/abutting the highway

8. Relationship to other permissions

- 8.1 The advice provided is for planning purposes only, but there may still be a need for other non-planning related approvals such as Listed Building Consent, Building Regulations approval. It is your responsibility to contact the relevant District / Borough Council or other organisation in relation to these matters.
- 8.2 Please note that, if there is a significant delay between the provision of pre-application advice and the submission of an application, planning policies or other factors may change and it is advisable to check with the CPA team that the advice remains up to date.
- 8.3 For very large scale projects such as projects of national significance, complex/controversial applications, the County Council would entertain discussions for you to enter into a Planning Performance Agreement (PPA). This would cover pre-application discussions and would provide a framework

for the provision of resources to allow for an adequate level of pre-application discussions. Separate guidance on PPAs will be made available during 2017.

9. Fees

- 9.1 Fees are charged at £84 per hour, inclusive of VAT and a standard business support fee per transaction. Mileage is charged at a flat rate fee of £12, inclusive of VAT, regardless of the site meeting location within the County. The fees are based on the full recovery of all overheads.
- 9.2 The applicant / agent will be advised should the work by the officer be estimated to exceed that allowed for in the fee schedule. Agreement should be sought before any additional work is undertaken and invoiced in arrears. Follow up meetings are subject to the hourly rate set out and invoiced in arrears.
- 9.3 Please note that fees paid for pre-application advice are in addition to planning application and chargeable monitoring fees.

Development type	Charge
Pre-application advice	
Meeting with officer at NCC County Hall or on site	£84 per hour
Follow up pre-application response and / or meetings	£84 per hour
Pre-application validation check	£84
Specialist advice internal to the County Council function	Charge to be agreed
County Council own development (also known as regulation 3 development)	
Small scale development: External alterations Fences, Boundary treatment Proposals where the floorspace to be created is up to 200m ² OR where the site area is up to 0.19ha Change of use of a building with floorspace up to 200m ²	£168
Medium scale development: Proposals where the floorspace to be created is between 201m ² to 999m ² OR where the site area is 0.2ha – 0.99ha Change of use of a building with floorspace between 201m ² - 999m ²	£252
Major development: Where the floorspace to be created is 1000m ² or more OR where the site area is more than 1ha	£504

Change of use of a building with floorspace more than 1,000m ²	
Minerals and Waste development	
Small scale development: Minerals and waste related plant / machinery, or additional site infrastructure Development carried out on an application site up to 0.49ha	£252
Major development: Minerals related development with an application site of 0.5ha - 14.9ha Waste development of up to 14,999 tonnes per year	£504
Large scale major development including EIA development: Minerals related development with an application site of more than 15ha Waste development of more than 50,000 tonnes per year	£1008
Flood and Water	
Desktop Study	£84
10 – 99 houses OR where the site area is 0 - 1ha OR minor flood risk	£252
100 – 249 houses OR where the site area is 1 – 3ha OR major flood risk	£504
250+ houses OR where the site area is 3ha+ OR master planning OR significant flood risk (ie. flow paths, relocating a watercourse etc...)	£1008
Post decision	
Applications for non-material amendment or minor material amendment / S73 / S73a	£84 per hour

10. Fee Reductions and exemptions

- 10.1 50% of the applicable fee will be charged for enquiries by charitable, religious, community and voluntary organisations.
- 10.2 A 50% reduction is applicable to pre-application advice provided on applications to discharge conditions.

11. Refunds

- 11.1 If the County Council fails to meet the standards identified above, and there is no fault or delay caused by the applicant / agent then 25% of any fee paid will be refunded.

12. How to pay the fee

- 12.1 On receipt of the request for pre-application advice an invoice will be raised for payment to Norfolk County Council, before starting work on your request and the Council's Corporate Pricing Policy will apply. Once you have received the invoice, payment methods include cheque, on-line, BACS and by phone.

Please include the **pre-application reference, site name and address** on any correspondence.

13. Dissatisfied with the Level of Service

- 13.1 The pre-application service offered by the County Council is based on providing a level of service which seeks to provide value for money, meeting the service levels as set out in this document.
- 13.2 Despite our best endeavours, there will inevitably be occasions when you are dissatisfied with the level of service provided. In such cases you should discuss concerns with the relevant Principal Planner. If still not satisfied following this approach, you will be invited to refer the matter to the Head of Planning Services.

Appendix A

The following website links may be of assistance to you when working up a proposed scheme or submitting a planning application to Norfolk County Council:

Norfolk County Council

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

North Norfolk District Council

www.northnorfolk.org

Borough Council of King's Lynn and West Norfolk

www.west-norfolk.gov.uk

Broadland District Council

www.broadland.gov.uk

Breckland District Council

www.breckland.gov.uk

Norwich City Council

www.norwich.gov.uk

South Norfolk District Council

www.south-norfolk.gov.uk

Great Yarmouth Borough Council

www.great-yarmouth.gov.uk

Broads Authority

www.broads-authority.gov.uk

Planning Portal

<https://www.planningportal.co.uk/>

DCLG Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

Norfolk County Council Validation Requirement

<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/planning-applications/local-list>

Lead Local Flood Authority (LLFA) information for developers

<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers>

Environment Agency

<https://www.gov.uk/government/organisations/environment-agency>

Historic England

<http://www.historicengland.org.uk/>

Historic Environment Local Management

<http://www.helm.org.uk/>

Natural England

www.naturalengland.org.uk

Norfolk Historic Environment Service

http://www.norfolk.gov.uk/Environment/Historic_environment/index.htm

Norfolk Wildlife Trust

<http://www.norfolkwildlifetrust.org.uk>

Sport England

<http://www.sportengland.org>

Water Management Alliances

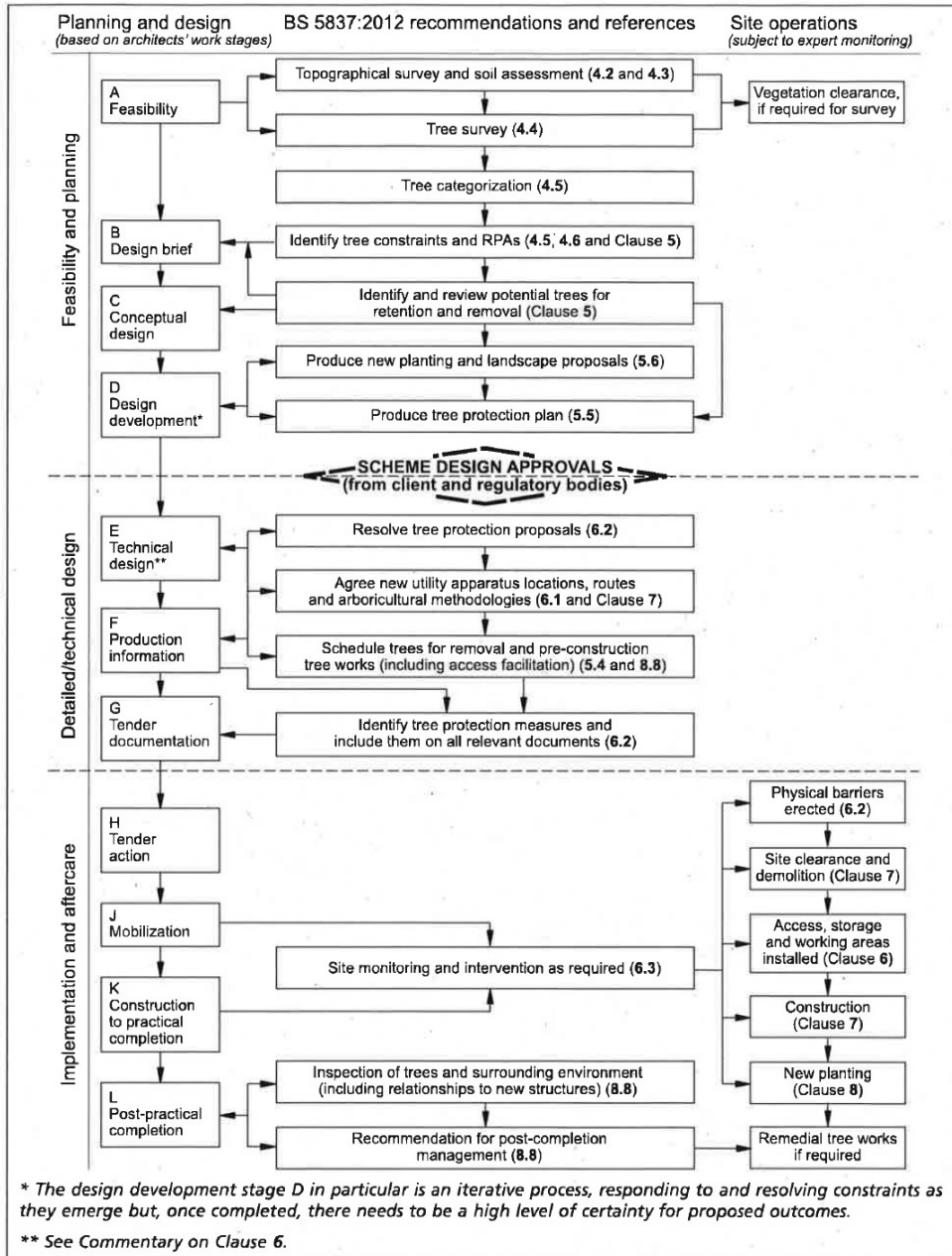
<http://www.wlma.org.uk>

Ciria

www.ciria.org

Appendix B

Figure 1 The design and construction process and tree care



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