



Pre-application consultation with communities

**A response by Civic Voice to DCLG's
consultation
March 2011**

1. Civic Voice welcomes the opportunity to inform the provisions of the Localism Bill for better pre-application consultation by applicants with communities. This is an important part of the measures to reform the planning system in order to engage people in shaping their surroundings more effectively. Communities and civic societies have much more to offer the planning process, drawing on their local knowledge, skills and resources to help deliver better outcomes. Better pre-application consultation on proposed development is an essential pre-condition for a positive localism agenda.
2. Civic Voice is the national charity for the civic movement. We work to make the places where everyone lives more attractive, enjoyable and distinctive and to promote civic pride. We know how important effective planning is to these goals. Given this role it is no surprise that civic volunteers are the most numerous participants in the planning system and this response is informed by their practical experience and local outlook.
3. We welcome the commitment to improved pre-application consultation with communities. However, the proposed thresholds fall woefully short of what is needed for communities to have confidence in being able to influence development taking place in their area. They also fall short of current good practice by developers. The Localism Bill needs to improve the opportunities for communities to make a difference locally and not just provide a safety net below which developer practice does not fall. We are also concerned that effective early consultation needs to inform the design of development proposals. This is where the primary benefit can be secured.
4. We urge the Government to strengthen the proposals in three ways:
 - ☛ Make a significant reduction in the proposed national thresholds to ensure a meaningful proportion of planning applications benefit from pre-application consultation
 - ☛ Embrace the spirit of localism by making provision for local authorities to introduce lower thresholds where relevant to their context
 - ☛ Use the pre-application consultation process to identify departure and other potentially controversial applications to encourage earlier engagement ahead of the design phase and make provision for mediation where appropriate.

5. We anticipate the policy for exercising these powers will be set out in guidance and provide scope for tailoring their use to different local circumstances where the requirements for pre-application consultation can relate to the context.

Lower national thresholds

6. We are dismayed by the high thresholds proposed. This is expected to result in just c600 planning applications requiring consultation in advance of an application being made each year. This is a shockingly low baseline and falls well below the expectations of local communities. It also falls well short of the current practice of many developers. Spread evenly across the country it would result in less than two cases per year per local planning authority. It would not address significant housing developments and almost no retail developments would be included, despite these being some of the most controversial schemes where pre-application consultation is already regularly undertaken by applicants. The provisions are even higher than those operating in Scotland within a much less localist policy environment. In Scotland developments of 50 dwellings or on a site of 2ha or more require pre-application consultation.

7. We recognise that pre-application consultation cannot be a requirement of every planning application but the scope has been drawn far too narrowly and is not proportionate to the needs of communities. The vast majority of developments comprising 200 or more residential units or 10,000 sq m floorspace or a site of two hectares or more will already undertake pre-application consultation. Most sensible businesses are already consulting voluntarily. The Localism Bill needs to do more than provide a safety net below which current practice does not fall. It needs to make a positive impact to meet communities' legitimate demands for earlier and better involvement. Adopting this approach will improve the quality of development, highlight areas of tension earlier on in the planning process and underpin public support for the planning system. The latter is vital if pre-application consultation is to support the Government's ambitions for a bigger and more active society.

8. Thus, our preferred option would be to align pre-application consultation with the existing procedures for "major development" in which the public must be notified and neighbours informed. This would set the threshold at 10 or more dwellings (or a site area of over 0.5 ha) and 1,000 sq m or more of gross floorspace for business and industry (or a site area of 1 ha or more). We would also wish to see provision for significant changes of use and to address developments exceeding 20m in height above ground level. If there is provision for local authorities to introduce lower thresholds where the circumstances require it then we would support a higher national threshold of 2,500 sq m for all retail and leisure development.

9. We would also encourage:

- a requirement for pre-application consultation on any application requiring an environmental impact assessment
- an approach to mixed-use development which aggregates all the uses for the purposes of the threshold
- any development which is required to be notified to a statutory agency to have been subject to prior community consultation

- ☛ all community consultation to include provision of hard copies of plans and diagrams where requested by community groups to enable shared discussion.

10. In addition there should be discretion for local authorities to define more stringent thresholds relevant to their circumstances.

Localism and discretionary thresholds

11. There are limits to the utility of national thresholds to determine local circumstances and this is recognised in the extra discretion being provided to local government through the Localism Bill and elsewhere.

12. We believe it would be wholly consistent with the thrust of the legislation to give local authorities the discretion to establish lower than national thresholds given the importance of context on the significance and potential controversy around any planning application. This will ensure community consultation on a small development in a sensitive environment (such as a rural village or where there is a heritage designation) which might not require additional pre-application consultation in other circumstances.

Departures, controversy and mediation

13. There are significant advantages in identifying the major issues and areas of contention around development proposals as early as possible for everyone involved in the planning system. It is especially important that communities are engaged at a point where they can still influence the design and approach to a development. The provisions need to provide incentive for this eventuality by:

- ☛ requiring developers to submit a report of the consultation undertaken and require the pre-application procedures to have been met before a local planning authority can accept a planning application as duly made – this draws on precedent in the procedures for national significant infrastructure projects (Planning Act 2008, sections 37& 55)
- ☛ making provision for departure applications to be identified at the pre-application stage, including by use of an independent examiner in relation to neighbourhood plans
- ☛ providing for mediation between local planning authorities, developers and community groups where this will help address differing perspectives.