



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Applicant/Agent Protocol: A Best Practice Guide for the Processing of Major Planning Applications in Mid Ulster

Purpose of the guidance

This guidance has been established in order that Mid Ulster District Council can provide a more streamlined and collaborative planning application system which can not only secure appropriate protection for the residents of the District but also secure investment and support economic growth by bringing jobs and prosperity for all.

The focus of the guidance is on those more significant applications defined as Major in 'The Planning (Development Management) Regulations (Northern Ireland) 2015.

Achieving this requires commitment and from all stakeholders holders to partnership working, sound project management and effective communication with the Council, developers, the community and other agencies.

This guidance sets out how best to actively manage the progress of applications through the development management system and identifies the role/ responsibilities of Council planning staff and applicants / agents at each stage of the process in order to deliver good quality planning decisions in an efficient manner and at least cost.

1. Use of Pre-application discussions (PADs)

The pre-application discussion process is not a statutory requirement and is therefore optional. However, it is widely recognised that individuals and groups have important contributions to make at key stages in the planning process and as such councils, or the Department as the case may be, should encourage and welcome pre-application discussions for all types of proposed development but particularly Major applications. Whilst such discussions are therefore a separate activity from statutory pre-application consultation with communities, they can inform the planning and scope of the statutory consultation activity required.

Benefits of Pre-Application Discussions

The benefits of pre-application discussions have already been recognised by Applicant's in the processing of planning applications. Engaging in the pre-Application process can help to:

- Identify potential policy constraints and other material issues which need to be addressed at an early stage in the process;
- Facilitate discussions with key consultees (where appropriate) at an early stage, especially where an environmental statement is likely to be required;
- Identify related technical issues and allow for discussion with a view to resolving such matters;

- Ensure that engagement with appropriate stakeholders takes place at an early stage in the planning process;
- Offer an opportunity for informed amendments and improvements to be made to schemes prior to formal planning applications being submitted, thereby potentially reducing the time taken for an application to move through the planning system;
- Improve the content and quality of planning applications;
- Enhance the quality of a development scheme;
- Speed up the statutory decision making process; and
- Ensure active case management.

For more complex proposed developments it will be necessary for the prospective applicant to submit as much information as possible to enable meaningful discussions with the Council to take place.

In order to allow for effective and constructive pre-application advice to be provided/discussions held, a certain level of information should be submitted with the initial request. The following additional information would be beneficial but is by no means an exhaustive list:

- A fully completed Pre-Application Discussion Request Form
- A site plan (scale 1:1250 or 1:2500) marked with the footprint of the proposed development (in red) and the limit of the land in the applicants ownership/control (in blue);
- Photographs of the existing site;
- Initial sketch drawings of the proposed development showing the nature and scale of the development;
- Drawings/plans showing the potential constraints [trees, other vegetation, overhead wires, listed buildings etc];
- Brief description of the nature and purpose of the development and of its possible effects on the environment, and such other information as the applicant may wish to provide.
- Desirable Information
- Results of any preliminary consultation with neighbours, other authorities or statutory undertakers (in a proportionate manner as appropriate);
- Other supporting information such as a draft environmental statement; transport assessments or ecological surveys (in a proportionate manner as appropriate); and
- Evidence of any pre-community consultation carried out (where required).

Providing this information at the outset allows the council to consider and understand issues relevant to the proposal and to identify key stakeholders that may be able to contribute to the process in advance of any discussions taking place.

The more accurate information an applicant can provide at the outset, the more helpful and informed the council or Department's advice can be. The level of information sought by a council or Department at the outset will be tailored to the scale and complexity of the proposed development.

2. Pre-application Community Consultation (PACC)

Legislative Context

2011 Act, The Planning (Development Management) Regulations (Northern Ireland) 2015 (referred to hereafter as the Development Management Regulations) and The Planning (General Development Procedure) Order (Northern Ireland) 2015 (referred to hereafter as the GDPO).

Section 27 of the 2011 Act places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application, if the development falls within the major category as prescribed in the Development Management Regulations. (A person who proposes to apply for permission for any major development which is prescribed in regulations as a development of regional significance must, before complying with Section 27, enter into consultations with the Department²).

Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'proposal of application notice' (PAN), to the appropriate council, or as the case may be the Department, that an application for planning permission for the development is to be submitted. There must be at least 12 weeks between the applicant giving the notice and submitting any such application.

(further advice is available in the Department's Development Control Advice Note 10) www.planningni.gov.uk

3. EIA/Scoping pre submission / benefits

What are the Benefits of an early Environmental Impact Assessment scoping?

EIA allows the likely significant environmental effects of a project to be identified and to be avoided, remedied or minimised at an early stage.

EIA Screening and scoping should be encouraged for major applications at an early stage. On request the Council will give you an opinion as to the information to be provided in the ES. This is known as "scoping" and will also advise you on the procedures to be followed.

Good practice usually involves early consultation with statutory consultees and other stakeholders. This is advisable in the case of most major projects as a failure to seek a scoping opinion can lead to later problems. A scoping opinion summarises the specific advice of the competent authority concerning the required coverage and content of the ES for a particular application

Where a planning application is accompanied by an ES the Planning Service will advertise the availability of the ES and take any representations about the likely environmental effects into consideration in making its decision. By making the information on the likely significant effects available, EIA can help allay fears created by a lack of information.

If a proposal is EIA development then planning permission must be granted before the proposal can go ahead. A planning application accompanied by an ES, and the appropriate fee must be submitted to the relevant Council.

You may choose to seek independent advice or engage consultants to prepare the ES for you. Government Departments and other environmental authorities with relevant information should be consulted and will make any relevant information available to you. These bodies may make a reasonable charge for the supply of information.

It is therefore always advisable to discuss the proposal with the Council at an early stage. This should help speed up the application and avoid unnecessary problems.

4. Applicant / Agent Responsibilities:

The Applicant / Agent should always seek to undertake the following:

1. Utilise sound and appropriate professional and technical expertise and not expect

Officers to provide consultancy advice.

2. Acquire and maintain awareness of relevant policy and take this into account in the formulation of proposals. Applicants / Agents should understand that there may be instances where if the proposal is contrary to policy then there may not be a positive way forward. This should not be seen as the Officers adopting a negative stance.

3. Before submitting a Planning Application, Applicants / Agents are encouraged, where it is appropriate, to engage in pre-application discussion with Planning Officers from the Council and also to engage with those communities most affected by a proposal before Planning Applications are submitted.

4. Prepare plans and provide sufficient information to inform the Officers of the content of the proposal. The Planning Officer should not be expected to provide the initial design brief or act as the Applicant's consultant.

5. Submit a complete Planning Application with all necessary information as required by the Council, including:

- accurate plans and drawings showing all relevant details including, where appropriate, details of existing and proposed development / buildings / engineering works, floorspace figures, highway access / car parking arrangements, changes in levels and visibility splays;
- a supporting statement setting out the relevant material planning considerations; a justification for the proposal, demonstration of how the proposal complies with relevant planning policies, or otherwise. The Applicant / Agent should not expect Officers to act on their behalf or to make a case for the proposal.
- the required planning application fee.

6. Where a legal agreement is required, Applicants / Agents should commence discussion at an early stage to negotiate with the Department of Infrastructure (and other bodies as may be appropriate) on its content - ideally before the submission of the planning application. Dialogue should continue ahead of the planning application being determined. This should help reduce delays in the issuing of the decision notice which must await the completion of the Legal Agreement.

7. If further information is requested, then the Applicants / Agents will endeavour to provide the requested information within an appropriately agreed time period. Any further information supplied should be of appropriate quality and content, to allow progress to be made in deciding the Planning Application.

8. It should be accepted that more complicated and controversial Planning Applications will often result in these Applications taking longer to be considered.

9. Agents should ensure that their clients are fully informed throughout the planning process of any issues or matters that need to be resolved.

10. Ensuring that the client is aware of any 'prior to commencement' obligations / conditions that must be satisfied as part of the granting of a Planning Approval and ensure that they are met.

There is a host of information on the NI Planning Portal, including NIEA Standing Advice and Guidance, to assist applicant and agents in the submission of planning applications. It is also clear from the Planning Policy Statements and the Strategic Planning Policy Statement the type of information needed to assess an application.

5. The Council's responsibilities.

Where an applicant undertakes the above Council will:

- Respond to pre-application advice for major applications in a timely manner, setting up consultations with statutory consultees where this will aid in providing sound advice.
- Provide advice on pre application consultations.
- Employ senior officials (i.e team leads) to handle major applications.
- Adopt a Project management approach giving a priority to Major applications, ensuring that all stages of the development management process are completed within acceptable timescales, to ensure that applications are processed efficiently.
- Actively manage consultations and the assessment of responses.
- Request amendments / additional information where appropriate as early as possible.
- Hold Monthly group meetings focussed only on Major applications (chaired by the Planning Manager).
- Provide an Interim report to the Planning Committee where Members views are needed to help progress the application, for example, where planning agreements may be used.
- Facilitate Pre-determination hearings in accordance with the Councils Protocol on the operation of the Planning Committee
- Issue decisions promptly.

It is important to understand that if an applicant chooses to ignore and advice given through the pre-application discussion process their application when received may take longer to process and/or result in an initial **recommendation to refuse** being presented to the Planning Committee

Major Planning Applications Process



