



## Pre-application consultation with communities: a basic guide

This note helps to explain the new Localism Bill requirement for developers to consult with local communities prior to submitting certain planning applications.

### Overview of the requirement

The requirement set out in the Bill covers three points:

- Developers must consult communities before submitting certain planning applications, having regard to any advice that their local planning authority may provide.
- They must consider any responses they receive before they finalise their proposals and submit their applications.
- When submitting their application they must account for how they have consulted the local community, what comments they have received, and how they have taken those comments into account.

Communities will not have a power of veto over whether a planning application can be submitted. They will however be able to raise issues for the developer to consider, and make suggestions which could improve the development and reduce its impact on the neighbourhood. This will reduce local opposition, increase chances of a timely and positive decision from the planning authority, and improve the quality of the development that results.

### A light-touch approach

The Bill sets out a number of powers for the Secretary of State to prescribe detailed operational matters in secondary legislation. These matters could include:

- The type of developments to which the measure applies.
- Publicity associated with the consultation.
- The form of consultation to be undertaken.
- Collaboration between the developer and others on design.
- The timetable for any consultation carried out under the measure.

The intention of the Government is that the provision will be light touch, and we do not expect the secondary legislation to be prescriptive. We want to see how things play out in practice and to encourage a locally sensitive, proportionate and intuitive approach. However, to commence the provision it will be necessary to amend secondary legislation to specify what types of applications the measure will apply to.

### **What types of developments will the provision apply to?**

The impact assessment of the Bill provision looked at what the impact would be if the measure applied only to large-scale major applications.

A large scale major application is:

- Residential developments of 200 or more new residential units, or (where the number of residential units to be constructed is not specified) with a site area of four hectares or more.
- Any non-residential developments providing 10,000 square metres or more of new floorspace, or with a site area of two hectares or more.

However, what developments the provision applies to is still open for discussion.

The impact assessment is available online at [www.communities.gov.uk/publications/localgovernment/localismpreapplications](http://www.communities.gov.uk/publications/localgovernment/localismpreapplications)

### **What types of application will be caught by the provision?**

The following application types are included in the new requirement, where a development meets the criteria to be set out in the secondary legislation.

- Full applications for planning permission.
- Outline applications for planning permission.
- Applications for Minerals consent.

Other application types, including householder planning applications, lawful development certificates, prior notification applications, listed building and conservation area consent applications and section 73 applications are not subject to this requirement.

### **What role might national policy play?**

Although this requirement will apply only to developments, there is potential for all schemes to benefit from pre application discussion. National policy could be used to encourage developers to go beyond any minimum requirements set out in legislation, and to consult communities wherever they consider this to be appropriate.

## **How does all of this differ from what happens now?**

Many developers, particularly those promoting very large and high-value or controversial schemes, already consult communities. The intention is for the new requirement to expand current practice out to a wider range of developments. It emphasises, as befits the neighbourhood-focused emphasis of our planning reforms, that the purpose and benefit of this work is to give people a stronger role in, and more positive outlook on, both planning and development.

## **Next steps**

The Government has invited suggestions on what developments should be subject to this provision. We will consider all responses before finalising secondary legislation. Please send your suggestions, by 21 March 2011, to [neil.holdsworth@communities.gsi.gov.uk](mailto:neil.holdsworth@communities.gsi.gov.uk)

## **Further information**

Further information about the pre-application consultation requirement may be obtained from:

Neil Holdsworth

Planning: Development Management

Department for Communities and Local Government

Email: [neil.holdsworth@communities.gsi.gov.uk](mailto:neil.holdsworth@communities.gsi.gov.uk); Tel: 0303 444 1716