

Pre-Application Community Involvement Protocol for the Broadclyst Parish Council

The aim of this Protocol is to enable open, agreed and well-structured working between communities, applicants/developers, local authorities and elected members in advance of planning applications, helping to deliver better quality development for all.

Any use of this Protocol is without prejudice to the eventual judgement of the Parish Council on the merits of any application by Broadclyst Parish Council.

The National Planning Policy Framework (N.P.P.F.) states¹ that:

“Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.”

Benefits of pre-application involvement

- **Applicants** can access detailed local knowledge early enough to respond to that in their designs, and evidence shows that this can speed the overall process, reduce conflicts, save money and enhance company reputation.
- **Communities** can engage from the start, avoiding any last-minute responses, share local priorities, hopes and knowledge, more locally relevant and distinctive projects and designs can resultant any new facilities provided can meet local needs.
- **Local authority officers** can avoid time wasted on ‘rescuing’ projects when faced, far too late in the process, with conflicting views from community and applicant.
- **Local councillors** can be presented with clear evidence from all sides when making a decision.

To be as effective as possible for all parties, pre-application involvement needs to be consistently applied to common standards and procedures agreed by applicant, community and local authority. It also needs to be appropriate to the scale, size and nature of any proposed development, and flexible enough to be informed at a local level (e.g. by a Community Design Statement). In order to provide that consistency and flexibility for all parties, this Protocol has been produced jointly by community and development industry representatives and Broadclyst Parish Council.

Roles

The basic roles, responsibilities and procedures for all three main parties are as follows

Applicant	Parish/Town Council	District Council
• Contact Broadclyst Parish Council and Parish/Town Council as early as possible. • Agree the consultation approach. • Lead and pay for the consultation in line with the Protocol’s principles. • Prepare a final audit report to submit with the application.	• Check that contact has also been made with Broadclyst Parish Council. • Agree the consultation approach. • Provide information and support as appropriate. • Assist with the final audit (or submit an alternative).	• Ensure that contact has also been made with the Parish/Town. • Agree the consultation approach. • Provide information and support as appropriate. • Use and value the submitted report.

¹ www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Applying the Protocol

The Protocol has been drafted to apply where a site has been in some way formally **allocated** and perhaps some basic features of it have been settled. Where an applicant intends to bring forward an application on a site **not formally allocated** within the latest adopted Plan, it will be a matter of judgement by the Parish Council as to whether or not they wish to use this Protocol and engage in any form of pre-application work.

- The Broadclyst Parish Council Statement of Community Involvement encourages pre-application community involvement.
- The use of the Protocol will be encouraged in the Broadclyst Parish Neighbourhood Plan.
- The Protocol applies to all applicants, private and public.
- Broadclyst Parish Council makes use of Planning Performance Agreements (PPAs) for certain developments. Future PPAs will address pre-application community involvement, following the approach in this Protocol. The Protocol applies even if no PPA is being used.
- Guidance to Parish Council elected members will be updated in line with the Localism Act to ensure that member involvement in pre-application discussions can be delivered appropriately, constructively and legally.

This Protocol can only be invoked where the Council has formally resolved to adopt it and use it.

Overall Principles

Good practice in pre-application community involvement is based on five key principles:

- **Applicant Leadership but Shared Responsibility:** Although it is the applicant's role to lead, drive, manage and mainly fund involvement, success also depends on other parties, especially local communities, establishing a professional relationship during the work.
- **Openness and Transparency:** Building trust between all and ensuring an agreed outcome depend heavily on having an open process, while respecting issues such as commercial confidentiality.
- **Agreed Community:** There needs to be agreement about who exactly is 'the community' for any project.
- **Agreed Scope:** There also needs to be agreement about the scope of the involvement, i.e. what is and is not open to change.
- **Agreed and Delivered Process:** Success in all respects comes from up-front agreement of the process to be followed, the clear delivery of this process and a thorough report on it.

This Protocol is supported by guidance notes that elaborate these principles into practical detail, cover more about unallocated sites, clarify different roles and so forth.

Applying the Pre-Application Community Involvement Protocol for Broadclyst Parish Council: Guidance Notes

1. Introduction

1.1 The aim of the pre-application involvement Protocol is to enable open, agreed and well-structured working between communities, applicants/developers, local authorities and elected members in advance of planning applications, helping to deliver better quality development for all.

1.2 The Protocol itself has been kept deliberately short. These guidance notes – drafted to assist all parties - elaborate some of the key points about how to use and apply the Protocol but they are not a comprehensive guide to community involvement in planning. They are largely based on queries raised during the preparation of the Protocol.

1.3 **The guidance notes only apply where the Parish Council has formally adopted the Protocol.** From there on this is all a mutual process. If any applicant refuses to use the Protocol this could weigh against them at determination stage, i.e. to reverse the NPPF statement, their project could be ‘looked on less favourably’.

1.4 There may be occasions where full use of the Protocol is either not possible or inappropriate. Partial use can still be of value if this enables key points to be discussed and agreed.

1.5 Introducing this Protocol is not intended to suggest completely new practice because there are already good examples of pre-application community involvement. The aim is to bring the rest up to the standard of the best.

2. Elaboration of Principles

2.1 Applicant Leadership but Shared Responsibility

2.1.1 It is the applicant’s role to lead, drive, manage and mainly fund pre-application involvement to an agreed standard.

2.1.2 Ensuring a positive and professional relationship also depends on contributions from the other key parties, especially the local community.

2.1.3 For large projects a ‘Consultation Steering Group’ can be of value, with representation from the applicant and the local community and, if relevant, Broadclyst Parish Council.

2.1.4 A community should produce, and make available to each applicant, an Addendum of local information and contacts to supplement the Protocol. (See Section 3.1)

2.1.5 The Parish/Town Council should also assist the applicant with finding venues for events and with their promotion. If appropriate, cost coverage for such tasks can be agreed with the applicant.

2.1.6 Broadclyst Parish Council should make available any relevant information about their strategic plans (e.g. relevant policies), standards, and procedures (e.g. key Committee dates).

2.2 Openness and Transparency

2.2.1 Building trust between all parties is essential to deliver an agreed outcome.

2.2.2 As far as possible, all aspects of the process should be open and transparent for all, so regular sharing and regular feedback, especially to the community, is crucial. This can be done on behalf of all parties rather than one (e.g. a jointly produced leaflet or newsletter).

- 2.2.3 Closed session meetings, e.g. between applicant and Parish/Town Council or between applicant and District/County Council, may be needed on occasion but should be carefully recorded and the minutes agreed between all parties before being openly available and included in the summary report (see below).
- 2.2.4 There can, however, be issues of genuine commercial confidentiality for an applicant, (e.g. on an option for a site or if bidding for one), perhaps also for the community and the authority (e.g. where they hold land or access to it). Though commercially confidential, key final outcomes should be shared openly.

2.3 Agreed Community

- 2.3.1 The 'community' is not just those living next door to a site or with direct views of it (or any future development). It includes all those whose lives, work or responsibilities could be noticeably affected by it. Because there is no precise definition for this, it is best to take it broadly.
- 2.3.2 It can for example include:
- those potentially affected by traffic or noise or visual impact some way away from a site;
 - people beyond a parish boundary if for example changes might be happening to a school, centre or open space that serves a wider area;
 - some apparently external people even if not local, e.g. Natural England if there is a wildlife impact, or the Cotswold AONB.
- 2.3.3 It is important to secure an informal written agreement to any definition, while recognising that some aspects of it can, and perhaps should, change as a project evolves.

2.4 Agreed Scope

- 2.4.1 For some projects, not necessarily the larger ones, there can be many aspects up for discussion during the consultation. On other projects that list can be very short. See Section 6 for a possible long list.
- 2.4.2 Definitions of the scope for change need to be agreed in writing at the outset between applicant and community. Aspects of the scope for community input can, perhaps should, change as a project evolves.

2.5 Agreed and Delivered Process

- 2.5.1 There needs to be mutual recognition that any agreed consultation process (see later for examples) can change as work proceeds. See examples of pre-application engagement in practice.
- 2.5.2 With all of the above in mind, the key to success is to discuss, agree and record the process to be followed, be that long or short, small or complex according to the situation.
- 2.5.3 Any process should include opportunities for discussion and dialogue between parties. Although some element of 'presentation' is necessary at some stage, the aim is to avoid the late introduction of essentially fixed and detailed proposals; consulting early on principles and initial ideas is crucial.
- 2.5.4 Any application should be accompanied by a thorough report of consultation*, again as appropriate to the nature of the proposed development. That report is the responsibility of the applicant but should ideally be agreed with the community and that agreement recorded. (* Such reports may well become mandatory for some projects if or when secondary legislation to the Localism Act is passed.)
- 2.5.5 If the community does not support the applicant's report, and cannot negotiate to secure agreement of it, the community can submit its own report based on its own thorough records.

- 2.5.6 All of this is without prejudice to the eventual judgement of a Parish/Town Council on the merits of any application by Broadclyst Parish Council.

3. An 'Addendum' of Local Information

- 3.1 This additional local information is composed by the community to supplement the Protocol and need not be lengthy or onerous. It simply needs to be a note which helps any applicant by providing information such as:

- Contact details for the Parish/Town Council (either clerk or a nominated member).
- Any available 'community profile' information such as population, households, businesses, facilities, services and so forth.
- A list of local groups and organisations with contact details.
- Reference to any Parish Plan, Housing Needs Study, Design Statement etc. that the parish/town has completed plus a link to a copy on a website or provision of a copy.

4. Roles for Key Parties

4.1 Applicant

- 4.1.1 It is important to recognise that there are different types of applicant:

- They are not all large or national companies; they can be a local landowner well known to local people. They may be a resident who wants to build a single house or extend their home.
- Most applicants will use an agent, typically a surveyor, to undertake at least initial work. Some surveyors rather than architects may do the design work.
- An applicant can be from well outside the area and simply interested in purchasing some land to then sell it on with permission.
- For larger projects a developer may buy all of an area of land and then sell on parts to others.
- An applicant can also be a public agency, e.g. local authority, Education Department, NHS.
- **The Protocol applies equally to all.**

- 4.1.2 The key role and responsibilities of the applicant is to make contact with the planning authority and the parish/town council as early as possible while respecting any commercial constraints. This may involve working through an agent but communities particularly value meeting the actual applicant at some stage or stages.

- 4.1.3 Separate and private lobbying of elected members (e.g. District or Parish/Town Councillors) is to be avoided. If done, this needs to be recorded by both parties with agreed notes.

- 4.1.4 It is essential to see and read any initial material provided by the planning authority or the community, especially the community's Addendum.

- 4.1.5 Consultants/architects should not produce detailed drawings before open discussion of key design principles.

4.2 Broadclyst Parish Council

- 4.2.1 If approached by a potential applicant, the first task is to check that they have or shortly will contact the Planning Authority

- 4.2.2 If a Planning Performance Agreement is to be used, the community involvement procedures of the Protocol should be included within that and ideally that should be done jointly with the relevant Parish/Town Council(s).

- 4.2.3 If no PPA is to be used, any Parish/Town Council should be encouraged to produce an Addendum (see Section 3), and/or check any Addendum that exists.
- 4.2.4 The District Council should provide basic planning information, e.g. specifically relevant policies and supplementary information plus links to others (e.g. AONB). That should also include information from others, notably the County Highways Department, or links to them.
- 4.2.5 After an initial applicant contact it is important to make relevant District Councillors aware, brief them on the proposed procedure and clarify their role within that. Members should be encouraged to play an active role in pre-application work.

4.3 Parish/Town Council

- 4.3.1 In general it is important to ensure that local people are made aware of the existence and purpose of the Protocol.
- 4.3.2 If approached by a potential applicant, a first step is to check that they are aware of the Protocol and have contacted, or shortly will contact, East Devon District Council.
- 4.3.3 At the outset any applicant should be provided with a copy of the parish/town's Addendum, or one should be produced and sent to Broadclyst Parish Council.
- 4.3.4 Early on, consider how best to ensure that all in the agreed 'community' know about the potential proposals and that the agreed process provides all with a timely opportunity to contribute.
- 4.3.5 It is best for a Parish/Town Council to avoid any active role in local campaigns for or against a particular development or aspects of it. Any Councillors who consider that they must attach themselves to any campaign should make that clear and play no part in managing the Protocol processes.

4.4 The Media

- 4.4.1 This has been added because inappropriate media involvement can damage even a fully-agreed involvement process. It can be particularly valuable if some or all communications with the press are prepared jointly between District Council and applicant (perhaps also Broadclyst Parish Council), making the point that an agreed process is underway. In addition, being proactive and reporting progress regularly generally results in better coverage than allowing the media to discover information for themselves. Experience shows that, once several successful examples have been done, press interest can be positive.

5. Unallocated Sites and Very Small Projects

- 5.1 There are two basic forms of 'unallocated' site. Some small and very small sites will never have been identified and proposed through the Local Plan and are most usually termed '**windfall**'. (NB. Windfall sites are not included in any specific calculations about housing or employment land needs for specific villages/towns; they are additional.) The others are usually larger and purely **speculative**, targeting areas of land either looked at previously and dismissed or completely new sites.
- 5.2 As a matter of principle for all such sites, it will stand a community in good stead to at least offer, at the outset, to use the Protocol and develop some community involvement. If the potential application proves to be fundamentally unacceptable (check with the planning authority) or the applicant is clearly uncooperative, a judgement can then be made about how to work with the applicant or whether to do so at all.
- 5.3 It is of course likely that, for many windfall projects, the first anybody hears is when an application is made. Assembling wider community feedback rather than just stating an objection from the Parish Council should now carry greater weight with the Protocol in place given its reference to the NPPF

encouragement of involvement. Over time local applicants should grow to realise the impact of the Protocol and the implications of not undertaking consultation, in which case normal Protocol procedures would apply.

- 5.4 For larger, speculative projects it is very likely that the applicant would not enter into any consultation process precisely because the site is outside the plan. In general, it is not anticipated that the same extent of involvement would take place for such sites, although applicants are still encouraged to contact the Parish council for their views and their possible involvement. The Council, on behalf of their community, then has to make a judgement about providing support as outlined earlier, e.g. on venues for events etc. Planned involvement of the wider community may then take place (which is valuable to generate robust evidence about local views) but (a) it would be led entirely by the applicant and (b) the Parish/Town Council would almost certainly submit its own report on that and any of their own involvement work (e.g. a public meeting) when the application is made.
- 5.5 For unallocated sites as above, any decision by a Parish Council to not engage with an applicant cannot be used against that Council by the applicant.
- 5.6 Perhaps the largest percentage of applications considered by Parish councils includes apparently minor issues such as small extensions (some of which do not anyway require permission), garages, changes to trees etc. and other proposals. Formally invoking the Protocol may be disproportionate for such proposals although several small changes can have an effect on local environments. It is at the discretion of local councils whether they wish to require the use of the Protocol on such projects or perhaps simply use its existence to encourage applicants to make contact and share emerging proposals with themselves and immediate neighbours.

6. What is Open to Change?

- 6.1 There is not endless scope for a community to influence an application, even if involvement starts very early; this is all a matter for discussion and negotiation.
Things to bear in mind are:
- If a site is allocated in the Local Plan, that plan may well dictate basic uses, numbers, sizes, even general locations and access points. These factors are not absolutely fixed but good evidence would be needed to change them (not least because a developer will have based any financial calculations on those factors).
 - Broadclyst Parish Council also has other policies that need to be noted, although again there is scope to vary if good local information is produced. As above, these will be made available to the applicant and Parish Council if needed.
 - If a site is unallocated, any list of uses, numbers etc. that a developer proposes is their ideas only; it has no planning status other than where it potentially meets policy.
 - A community can have more influence if that community produces, through the Broadclyst Parish Council Neighbourhood Plan, a Design Statement or Character Assessment (which can guide an applicant's design), Parish Plan (which can affect project content), perhaps even a Traffic Study (which can guide on- or off-site road/path improvements) or a Facilities Audit (which can affect facility provision).
 - Having a strong community-led Plan or audits in place (e.g. facilities audit/traffic survey) can be especially valuable if there is to be any Community Infrastructure Levy money coming from a development as this can help to ensure that any money is used well.
 - For any Parish Council starting a Neighbourhood Development Plan (NDP), this can offer further and increased opportunities to influence site uses, densities, design and so forth. Although a NDP must be in 'general conformity' with the Local Plan strategic policies and related local and national standards, and be based on a robust evidence base, it can also have additional influence over choice of sites.
 - Neighbourhood Development Plans would need to contain a specific statement or policy adopting this Protocol if they wish to use it.

- 6.2 Some of the aspects that are most likely to be open for discussion at pre-application stage are as follows, in no particular order and not applicable on every occasion:
- Landscaping
 - Overall character
 - Building design
 - Design of aspects such as paths, landscape, signs, street lamps
 - Choice of materials
 - Housing densities
 - Parking standards
 - Vehicular traffic impacts off-site, including safety
 - Vehicular traffic impacts on-site, including safety
 - Public transport links
 - Footpath and cycle routes around, on and across a site
 - Provision of amenities such as open space, play areas, meeting rooms etc.
 - Lighting
 - Wildlife and ecological impacts
 - Noise and nuisance
 - Sensitivity to historic buildings and conservation
 - Known archaeological features
 - Signage
 - Views in and out
 - Overshadowing and loss of light
- 6.3 Construction period impacts (e.g. site traffic through the neighbourhood and site working times) are not a factor for pre-application agreement in themselves but can be raised during preapplication discussions. It is possible to begin to plan ahead and ensure best practice, for example by preparing for a local monitoring group or contact person if site management problems arise at construction stage.

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Addendum for Broadclyst Parish Council

The Pre-Application Community Involvement Protocol and completed addendum was adopted by the Broadclyst Parish Council on 4th September 2017

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Basic Profile

For example, population, number of households, any socio-economic data, main local businesses,

Local Groups and Organisations

For example, civic society, footpaths group, women's institute, football club.

Local Facilities

For example, school, hall, church, recreation ground, playing fields, shops, pubs.

Existing 'Plans'

Note down any Parish Plan, Design Statement, Housing Needs Study or other background material or guidance (with date completed) and note such documents are available.