



# Pre-Application Guidance Document

To assist with submitting planning applications  
to the County Planning Authority

October 2020



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## Introduction

### Worcestershire County Council's planning role

Worcestershire County Council, as the County Planning Authority (CPA), is responsible for planning applications and lawful development certificates for:

- The County Council's own development
- Waste management development
- Minerals development

### Development

Development is described in section 55 of the Town and Country Planning Act 1990 as:

"the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land".

### Examples of development

The following examples are provided to illustrate some common developments that the CPA handles. If your project appears similar to these examples, then it is highly likely that you will need to seek planning advice.

#### The County Council's own development

- Changing the use of a residential property for use as a children's home
- Changing the use of public library spaces into offices
- Constructing a new pedestrian footbridge
- New school buildings

- Demolishing a building
- Erecting a sign indicating access to a County Council service
- Installing a lift on the exterior of a building
- Refurbishing the exterior of a building
- Works and structures related to highways improvements
- Advertisements

#### Waste management development

- Constructing a new pet crematorium
- Constructing a new Waste Transfer Station
- Importing material (e.g. soil) for agricultural or landscaping purposes
- Increasing the throughput of waste at an existing waste site
- Installing a biomass boiler
- Installing waste water treatment apparatus
- New and changes to household recycling sites

#### Minerals development

- Extraction of sand and gravel
- Extending an existing sand and gravel quarry
- Ancillary development to quarries such as new plant and accesses

If you think you will be carrying out development as part of your project, then the starting point should always be to speak to a Planning Officer from the CPA. This discussion could save you time and money and identify what action you need to take to progress your project.

The importance of seeking professional planning advice cannot be underestimated. Carrying out unauthorised development can have serious legal and reputational consequences for you and your organisation.

### **The County Planning Authority – How they can help you deliver your project**

Once you have established that your project involves development, pre-application discussion with the CPA can help identify what action you need to take to ensure your project has the planning permission it needs. Remember, if you are in doubt as to whether your project involves development, please come and speak to us as the CPA.

Pre-application discussions help to ensure:

- Clear and complete applications that are easier and usually quicker to process through the planning system.
- Good quality information is available at an early stage to help address problems sooner, rather than later.
- The right advice is available to help avoid the need to change plans later on, which can be costly.

You can expect the following information from us to assist you with obtaining planning permission for your project:

- Checklist of plans and drawings that will be required.
- Checklist of specialist environmental assessments that will be required.
- Contact details of statutory and non-statutory consultees who will be assessing your planning application.
- Advice for engaging with County Councillors, the District Council, and members of the public prior to submitting your planning application.
- Advice on timescales and deadlines to assist your project management.

### **Pre-application advice – How do I get started?**

Seeking pre-application advice is easy. Simply send us a brief description of your project together with a plan showing its location. Please draw a red line around any land you think might be required to deliver your project, including access to a public road and /or access for any large cranes for example.

### **What makes an application invalid?**

Every planning application the CPA receives goes through a validation process, and if the application is declared invalid, this can delay the consideration of your planning application.

Further information is available in the [County Council's Validation Document](#), but these are some of the most common reasons:

- Not fully completing the application form.
- Completing the wrong ownership certificate.
- Not drawing the application site boundary in red and other land in the control of the applicant in blue on the submitted location plan.
- The drawings submitted are inconsistent.
- The drawings submitted do not contain a north arrow or scale.
- Not submitting a Design & Access Statement when it is required.
- Not submitting a Planning Statement.
- Not submitting a Sustainability Statement with the application. This need not be long and can form part of the Planning Statement.
- Not submitting a Health Impact Assessment (HIA) Screening when it is required.
- Not submitting an Ecological Survey / Assessment.
- Incorrect planning application fee paid or no fee received.

## Hints and tips

- **Talk to County Council's Planning Team and use the Validation Document Checklists** – The CPA will help to guide you through the planning process and inform you which consultees you should contact and what information is required to support your application. Applicants are encouraged to contact the CPA as early as possible in the development of their planning application, so that time is not wasted on developing proposals that are unlikely to gain planning permission, and there is greater opportunity to shape the proposal, which can lead to a fast decision-making process. The Planning Validation Document and supporting Checklists outline what documentation is required to support your application. These can be viewed [on the County Council's validation document webpages](#).
- **Early engagement and consultation is strongly recommended** – A thorough pre-application consultation with the public and consultees can reduce the number of objections and the number of planning conditions, in particular pre-commencement conditions should planning permission be granted. Engaging too late in the process can cause delays due to the need to amend the planning application or submit additional information, which may then lead to a requirement for re-consultation, delaying the consideration of the application. Furthermore, understanding the concerns of key stakeholders can help in the design of your application to maximise the chances of permission being granted.
- **Ensure the relevant notices are served on the landowner and other interested parties** – If you do not, this could ultimately result in planning permission being judicially reviewed and quashed. Typically the applicant will hold the landowner's information, but their planning agent will serve the notices, meaning that communication is vital to ensure the notices are properly served. If it becomes apparent during the planning process that the relevant landowners and other interested parties have not been served the appropriate notices notify us immediately.
- **Keep key people on the project for the duration of the process** – Where possible, key personnel such as project managers and professional planning agents should be retained for the duration of the planning application process and throughout the discharge of planning conditions, providing consistency and reducing the risk to the outcome of the application.
- **Consider environmental surveys of the site and wider area at an early stage** – Not doing this can result in significant delays to the project. For example, ecological surveys are seasonal and can only be carried out at certain times of the year, and ground investigations commonly have a long lead-in time to book the drilling rig.
- **Try not to change your plans and planning application documents part-way through the planning process** – This results in further consultation and delays the consideration of the application. Applicants and/or their planning agents undertaking pre-application discussions with the CPA and consultees can reduce the need to make amendments during the planning process. If further information is submitted during the planning process, for certain types of applications this could delay the consideration of the application by up to five weeks.
- **Own it!** When nobody takes ownership of the project and nobody appears at Planning and Regulatory Committee to speak for the proposal, it's not conducive to a successful application. Applicants or project officers should take ownership of the planning application and be prepared to lead the project and attend Committee site visits and meetings to answer questions from Councillors. Failure to do so may result in the application being deferred until a later Planning and Regulatory Committee meeting.
- **You need the right people at the right meeting at the right time** – Ensuring that the relevant professional experts are at the appropriate planning meetings will minimise delays to the consideration of the planning application. For example, if discussing the Environmental Statement, ensure that the Environmental Impact Assessment (EIA) expert is at the meeting.
- **Avoid submitting the planning application before it is ready** – The CPA appreciate that applicants and/or planning agents can be under pressure to submit planning applications as soon as possible. However, quicker outcomes are often achieved when applications are submitted at a slightly later date, once all information and assessments are available. It is important to make sure you have a detailed design of the scheme before the application is submitted. Applicants and/or planning agents should provide enough detail on key aspects of the scheme - such as drainage and ecology - to gain planning approval, as this will reduce the number of planning conditions and may prevent requests for further information which could mean delays.

- **Allow adequate time for the discharge of planning conditions** – In most instances, planning permission is granted subject to certain conditions and requirements. If developers commence development before these conditions are discharged, this can result in enforcement action being taken.
- **Drawings and plans** – All drawings should be clearly titled and given a unique reference number. They should be dated and include the scale, scale bar and the direction of north.
- **Location plan** – The location plan should be based on an up-to-date map and should identify at least two named roads. It must include a red line drawn around the application site. The red line boundary should include all land necessary to carry out the proposed development, including land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings. It is often better to draw a larger red line than you initially think, in the event you may need to make amendment to your proposal in the future. A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.
- The applicant submitted a draft of the planning application to the CPA and consultees for review before formally submitting the application. This helped to ensure that further information was not requested, leading to faster decision-making.
- Other key consultees - in particular the County Ecologist - were engaged at an early stage. This was particularly important given the sensitive location of the proposal, near a Site of Special Scientific Interest and Local Wildlife Sites. The early engagement helped to overcome issues that could otherwise have become 'show-stoppers'.
- The applicant served the relevant notices on the landowners and others with an interest in the land, removing the risk of judicial review.
- The applicant undertook extensive pre-application public consultation, resulting in low numbers of objections to the proposal.
- The applicant took responsibility for the project and attended the Planning and Regulatory Committee site visit and Committee meeting. Because the applicant was available to answer any questions raised by Councillors, the application was not deferred.

## Case studies

### *Good practice example – Development of a link road by the County Council in the north of the county.*

The development of a link road in the north of the county, facilitating the delivery of residential and commercial developments and alleviating traffic in the town centre. The timescale for determining major and complex planning applications such as this is usually about 24 weeks, but because the applicant undertook the following measures, the application was granted planning permission within 16 weeks:

- The applicant engaged with the CPA early in the development planning process, enabling the CPA and consultees to inform the design of the proposal. This allowed the applicant to make the development more acceptable in planning terms.
- The applicant appointed specialist planning and environmental consultants to lead on the submission of the planning application, facilitating the timely delivery of the project.
- Early and ongoing meetings and discussions with the District Council delivered better outcomes for all parties, and ensured the District Council raised no objections to the planning application.
- A consistent Project Management team was maintained from the beginning of the project right the way through to the discharge of planning conditions. This helped to quickly resolve any matters that arose during the process.
- Following completion of the development, Planning Officers took members to the site as an example of new infrastructure which has taken account of the local environment.

### *Poor practice example – Construction of building and plant to recycle waste materials in the east of the county*

Development for the construction of a building and plant for the processing and recycling of over 100,000 tonnes of waste materials per year and construction of a noise attenuation soil bund.

What should have taken 13 weeks to determine eventually took 28 weeks, due to the application's failings.

- The planning application was incorrectly submitted to the District Council, rather than the CPA, delaying the registration and consideration of the proposal. This would have been avoided if the applicant had clarified the process by speaking to Planning Officers beforehand.

- As the applicant had not undertaken pre-application discussions with the CPA, insufficient information was submitted with the application. This meant that the application could not be registered until further information was submitted, further delaying the decision-making process.
- The applicant had not engaged the relevant technical experts to carry out the appropriate supporting assessments, resulting in inadequate information being submitted.
- As the applicant had not undertaken pre-application consultation with consultees, further information was required regarding contaminated land, noise, dust, vehicle movements, drainage, ecology and landscape. This led to additional expense for the applicant and considerably delayed determination of the application, particularly because ecology surveys are seasonal, and further rounds of public consultation were required.
- The applicant had not carried out pre-application public consultation - including with local Councillors - resulting in rumours, misinformation, and strong local opposition to the proposal.

### **What happens to a planning application after it has been submitted?**

Please refer to Appendix 1: Planning process flow chart.

#### **1. Receipt of an application**

On receipt of an application it is booked onto the CPA electronic database. It is then allocated to a case officer who will check if the application is valid. If an application is found to be invalid, the case officer will write to the applicant and/or planning agent requesting the required additional information and/or amendments. Once an application has been found to be valid, the case officer will write to the applicant and/or planning agent to confirm this is the case and set out the statutory timescales for determination. The application documents are then available to view on the County Council's [planning applications' webpages](#). Further information regarding the validation process can be viewed [on the County Council's validation document webpages](#).

#### **2. Consultation and publicity**

The case officer will carry out consultation with statutory and non-statutory consultees such as County Councillors, District Council(s), Parish Council(s), and the Environment Agency. Consultation lasts for a minimum of 21 days (or 30 days for development that falls under the Environmental Impact Assessment Regulations (EIA development)). Where relevant, local residents are also notified

by neighbour consultation letters. Site notices are erected within the vicinity of the application site and notices are placed in local newspaper(s).

Comments on applications have to be made in writing, and can be sent either by email or post, directly to the case officer or online [on the County Council's planning applications' webpages](#).

#### **3. Site visit**

The case officer will undertake a site visit as part of the assessment of the planning application, and will contact the applicant and/or planning agent to arrange this where the site is not viewable from public land.

#### **4. Consideration and decision**

The case officer writes a report assessing the development. The application is assessed on its own merits and is determined in accordance with the Development Plan (planning policy) and other material considerations, and is informed by consultation responses. Depending on the responses to the consultation, the application is either considered by the Planning and Regulatory Committee or delegated to officers to determine.

Planning and Regulatory Committee meetings are broadcast online and take place approximately every six weeks. Further details regarding the Planning and Regulatory Committee and the dates of meetings are available [on the County Council's Committees webpages](#).

Once a decision has been made the applicant and/or planning agent will be sent a copy of the decision notice.

When planning permission has been granted there may be conditions that have to be discharged. Examples include submitting details of the building materials for approval in writing by the CPA to check they are acceptable, or providing details of the detailed design of the parking layout or visibility splays. It is important that applicants and/or planning agents review the decision notice to check if there are any conditions that need discharging before a specified time or milestone in the construction of the development. This might include conditions that need to be discharged prior to commencing the development or prior to occupation of the development. Please refer to the 'discharge of conditions process' in this guidance document for further information.

## Timescales for the determination of planning applications

All planning authorities in England have targets set by central government for the determination of planning applications. The deadlines are 8 weeks for minor developments, 13 weeks for major applications, and 16 weeks for EIA applications. The CPA will endeavour to meet these deadlines, but this is not always possible. The decision may take longer due to the Planning and Regulatory Committee cycle, or if further information is requested during the planning process, or due to the complexity of the proposal. In these circumstances, the CPA will write to applicants and/or planning agents to explain why the application has not been able to be determined within the statutory timescales.

## Making amendments to proposals that have planning permission

When planning permission is granted, development must take place in accordance with the planning permission and conditions attached to it, as well as any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, which are not considered to be 'material', you can make a non-material amendment.

There is no statutory definition of 'non-material'. This is because it will depend on the context of the overall scheme; an amendment that is non-material in one context may be material in another. The CPA must be satisfied that the amendment sought is non-material. Applicants and/or planning agents are encouraged to discuss potential amendments with the CPA before submitting such applications.

As an application for a non-material amendment is not an application for planning permission, the normal provisions relating to notification do not apply. Instead, before the application is made, the applicant and/or planning agent must notify anyone who is an owner of the land which would be affected by the non-material amendment or, where the land comprises an agricultural holding, the tenant of that holding. The applicant must also record who has been notified on the application form. Anyone notified must be told where the application can be viewed, and that they have 14 days to make representations to the CPA.

The time period for determination of non-material amendment applications is 28 days, or a longer period if that has been agreed in writing between the CPA and the applicant.

When granting a non-material amendment, the CPA issues a decision letter describing the amendments sought. It is not a reissue of the original planning permission, which still stands. The two documents (the formal decision letter and planning permissions) should then be read together.

## Planning policy

It is, and has been for successive governments, a fundamental principle of this country's planning system that it is 'plan led'. The 'plan' referred to here is the Development Plan. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The Development Plan is the strategic framework that guides land use planning for the area. The Development Plan for Worcestershire consists of:-

- The County of Hereford and Worcester Minerals Local Plan
- Waste Core Strategy for Worcestershire
- Relevant District Local Plans:
  - Bromsgrove District Plan;
  - Borough of Redditch Local Plan No.4;
  - South Worcestershire Development Plan;
  - Wyre Forest District Council Core Strategy;
  - Wyre Forest District Council Kidderminster Central Area Action Plan; and
  - Wyre Forest District Council Site Allocations and Policies Local Plan.
- Adopted Neighbourhood Plans

The reason why the Development Plan is at the heart of the planning system is because it identifies how and where new development should take place, and also where it would be inappropriate. The various documents in the list above that make up the Development Plan have been through public consultation, and have been subject to independent examination.



The National Planning Policy Framework (NPPF) is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes). The NPPF should be read in conjunction with the National Planning Policy for Waste.

Applicants and/or planning agents are encouraged to examine and address planning policies within the Planning Statement that is required to accompany all planning application submissions.

### Environmental Impact Assessment (EIA)

The process of Environmental Impact Assessment (EIA), in the context of town and country planning in England, is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The aim of EIA is to protect the environment by ensuring that a local planning authority, when deciding whether to grant planning permission for a project which is likely to have significant environmental effects, does so in full knowledge of the likely impacts and takes these into account in the decision-making process. EIA ensures that the public are given early and effective opportunities to participate in decision-making procedures.

The EIA Regulations only apply to certain types of development, but they can even apply to 'permitted development' which is development for which planning permission is not needed. Where the Regulations do apply to development that would usually be 'permitted development', this triggers the need to make a formal planning application. If you are carrying out development relating to minerals, waste management or on behalf of the County Council - of any scale - you are encouraged to discuss the proposal with the CPA before proceeding.

The EIA Regulations set out a procedure for identifying those projects which should be subject to an EIA and the process for assessing, consulting and making a decision on such projects.

There are five broad stages to EIA:

- **Screening** – Determining whether a proposed project falls within the remit of the Regulations and whether it is likely to have significant environmental effects. Screening should normally take place at an early stage in the design of the project. Please note, as Screening Opinion Requests are public documents they are uploaded on the County Council's website, and depending on the nature and scale of the project, the CPA may carry out consultation with technical consultees. Therefore, you should carefully consider the timing of submitting a Screening Opinion Request and

timing of any public consultation that you may wish to undertake. Developers are encouraged to contact the CPA as early as possible to discuss the submission of Screening Opinion Requests prior to them being formally submitted.

- **Scoping** – Determining the extent of issues to be considered in the assessment and reported in the Environmental Statement (ES) (should it have been concluded from the Screening that the project is likely to have significant environmental effects). The applicant can ask the CPA for its opinion on what information needs to be included (which is called a 'scoping opinion').
- **Preparation of the Environmental Statement (ES)** – Where it is decided that an assessment is required, the applicant must prepare and submit an ES. The ES must include at least the information reasonably required to assess the likely significant environmental effects of the development. The ES must be prepared by competent experts and must include a statement outlining the relevant expertise or qualifications of such experts.
- **Making of the planning application and consultation** – The ES (and the application for development to which it relates) is required to be published electronically and by public notice by the CPA. Consultees and the public are then given the opportunity to comment on the proposed development and ES.
- **Decision making** – The CPA appraises the proposed development and ES against planning policy, taking into account any views expressed during consultation, and decides whether or not to grant planning permission for the development. Once a decision has been made, the CPA must inform the public of the decision and the main reasons for it.

Further information on the legislation covering EIA, and the above five stages, can be found [on the Government's webpages](#).

### Handling applications which affect other County Council functions

Where the CPA decides its own planning applications, the County Council must ensure that there is a functional separation of duties within the County Council. Separation is needed between those persons bringing forward the proposal for development and those persons responsible for determining that proposal to ensure planning applications are assessed in an objective manner, avoiding conflict of interest.

It is not unusual for the County Council, as the CPA, to determine planning applications made by, or on behalf of, the County Council in relation to other functions or areas of responsibility. For example, the County Council as the CPA is regularly required to determine applications for facilities required to deliver education, waste management and highway functions. In all these situations, it is extremely important that the County Council ensures, when dealing with the matter, that there can be no conflict of interest in the decision making process. This applies both before and during the application process, as well as at the time of the determination of the application. Appropriate processes must be put in place (often described as 'Chinese Walls') to ensure that probity in the operation of the planning system is maintained.

In its role as the CPA, the County Council approaches all applications and the decisions made on them solely on the basis of their planning merits. It is not swayed in any way in its decision making processes by what may be viewed as wider County Council corporate or strategic priorities.

### **Planning enforcement**

Planning enforcement is a crucial part of the CPA's planning service. The County Council's Planning Monitoring and Enforcement Officer investigates alleged breaches of planning control in relation to minerals and waste management development that could result from the carrying out of development before the necessary planning approvals have been granted. When development takes place without permission, the CPA has a range of enforcement powers available to establish whether a breach of planning control has taken place, what harm is caused as a result of the breach and how to remedy the situation.

Enforcing compliance with planning control can be both time-consuming and complex. In most cases the CPA will try to negotiate compliance, rather than pursue formal action. However, where serious environmental damage or harm to the amenities of neighbouring residents is taking place or where damage is being caused to protected trees and/or listed buildings - and where the CPA considers it expedient - the CPA will consider taking enforcement action to bring the matter under control.

The CPA can only use its enforcement powers effectively if there is sufficient evidence available to demonstrate clearly that a breach of planning control has occurred and it would be in the public interest to do so.

### **Helpful information**

The following documents may be of assistance to you if you are looking to submit a planning application in Worcestershire:-

**[The County of Hereford and Worcester Minerals Local Plan](#)** sets out the Council's adopted planning policies for the extraction and restoration of minerals sites within the county.

**[The emerging Worcestershire Minerals Local Plan](#)** will set out how the Council will plan for mineral extraction in the county. Once it is adopted it will replace the existing minerals policies in the County of Hereford and Worcester Minerals Local Plan and will be part of the Development Plan for Worcestershire.

**[The National Planning Policy Framework \(NPPF\)](#)** was published on 27 March 2012 and revised on 24 July 2018 and sets out the Government's planning policies for England and how these are expected to be applied.

**[The Planning Portal](#)** contains useful information about the planning system, and is where you will find the forms to submit a planning application.

**[Planning Practice Guidance](#)** provides guidance to local planning authorities to ensure the effective implementation of the NPPF.

The **[Validation Document](#)** sets out what information is required to be submitted with a planning application in order to make it valid.

The **[Worcestershire Waste Core Strategy](#)** sets out the Council's adopted planning policies for waste management developments within the county.

### **Contact us**

If you wish to contact the Planning Development Management team for more information or advice, please email:

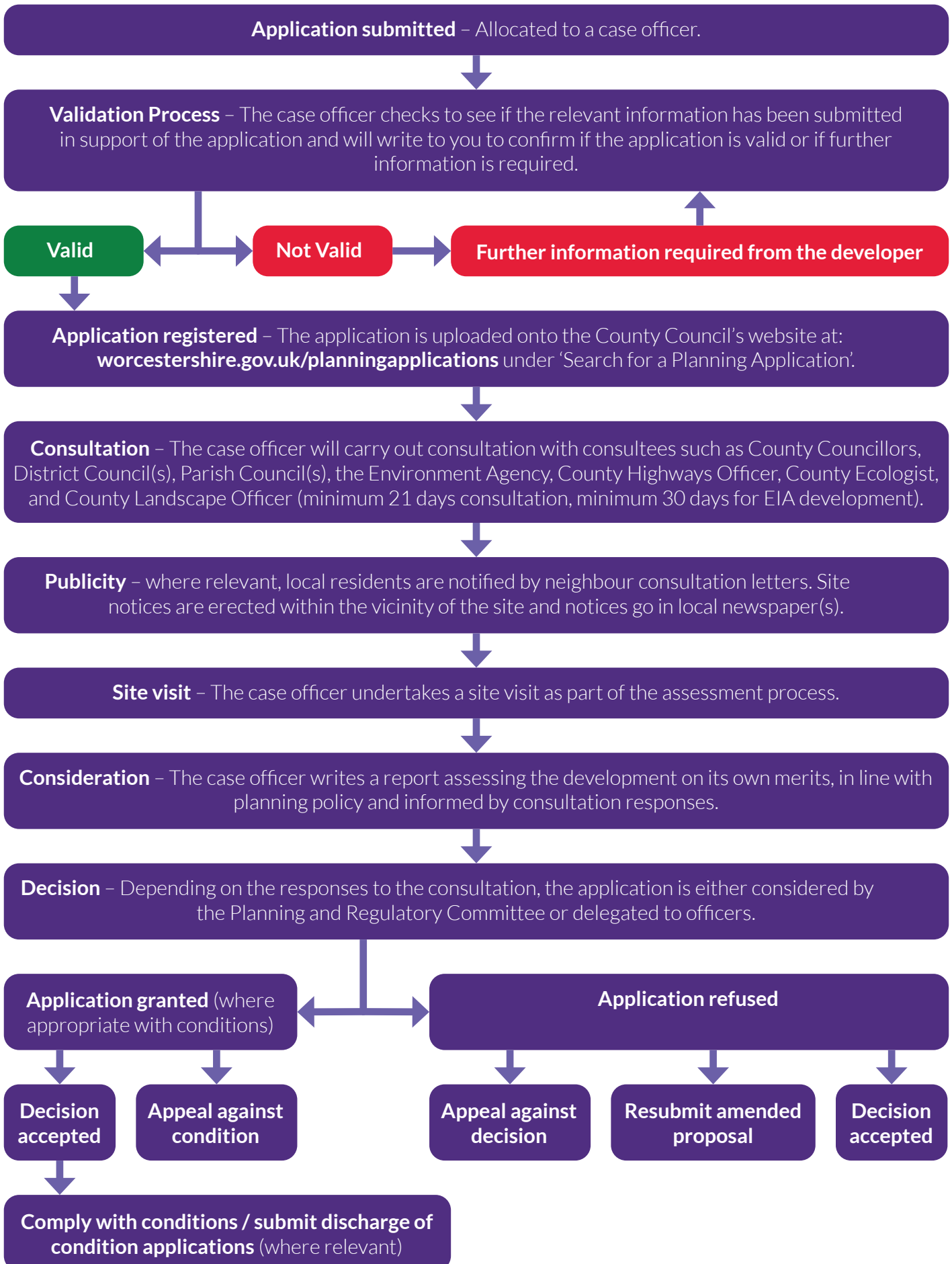
**[DevControlTeam@worcestershire.gov.uk](mailto:DevControlTeam@worcestershire.gov.uk)**,

or Tel: **01905 843510**

Website: **[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)**

## Appendix 1: Planning process flow chart

What happens to my application?



Please contact us if you need this document in another format, or if you have any questions.

Phone: **01905 844463**

Email: **DevControlTeam@Worcestershire.gov.uk**

Write to: **Worcestershire County Council,  
Development Management,  
Directorate of Economy and Infrastructure,  
County Hall,  
Spetchley Road,  
Worcester,  
WR5 2NP**

