



Belfast City Council

Report to:	Planning Committee
Subject:	Pre-application community consultation (PAC)
Date:	21 st May 2015
Reporting	Clifford McIlwaine, Area Planning Manager
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1.0	Relevant background information
1.1	Section 27 of the Planning (NI) Act 2011 ('the 2011 Act') places a statutory duty upon applicants for planning permission for major applications to consult the community in advance of submitting an application.
1.2	Major applications are larger applications such as housing developments with more than 50 units, or large retail, leisure or entertainments units which exceed 1000sq meters in area. Full criteria can be found in the pack contained in Appendix 1.
1.3	The applicants must submit a Proposal of Application Notice ('PAN') to the Council at least 12 weeks in advance of the submission of any major planning application. The PAN should outline the detail of the proposed application and what consultation is to be undertaken.
1.4	The minimum standard of consultation requires the applicant to: <ul style="list-style-type: none">• Hold one public event in the locality in which the proposed development is situated• Publish a notice in one local newspaper seven days in advance of the event.
1.5	Within 21 days of receipt of the PAN the Council can ask for further individuals or organisations to receive the notice or for additional consultation to be carried out.
1.6	When the formal application is submitted, it must include a written report which demonstrates how the applicant has complied with their pre application consultation obligations. The suggested minimum requirement is for the applicant to: <ul style="list-style-type: none">• specify who has been consulted• set out what steps were taken to comply with the statutory requirements and those of the planning authority• set out how the applicant responded to the comments made, including whether and the extent to which the proposals have changed as a result of PAC

1.7	<ul style="list-style-type: none"> • provide appropriate evidence that the various prescribed steps have been undertaken – e.g. copies of advertisements of the public events and reference material made available at such events; and • demonstrate that steps were taken to explain the nature of PAC, i.e. that it does not replace the application process whereby representations can be made to the planning authority. <p>The Council will assess the report and determine if the consultation undertaken meets the requirements set out above and can request further information or decline the application if it deems those requirements have not been fulfilled.</p>
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2.0	Key issues
2.1	<p>The purpose of having the community consultation process is to ensure that people:</p> <ul style="list-style-type: none"> • have access to information about major applications in their area; • can put forward their own ideas about the proposed application and feel confident that there is a process for those ideas to be considered; and • have an active role in developing proposals and options to ensure local knowledge and perspectives are taken into account.
2.2	<p>The consultation is carried out at pre-application stage and comments made to the applicant are not representations to the Council. However during the full application process public advertisement and neighbour notification will take place and representations can be made to the Council during that formal process.</p>
2.3	<p>While the minimum requirements are set out in the 2011 Act and The Planning (Development Management) Regulations (NI) 2015, the Council can also notify the prospective applicant that it requires it to carry out additional notification and/or consultation if it is not satisfied with the proposals set out in the PAN.</p>
2.4	<p>In considering whether to give such notification the Council is to have regard to the nature, extent and location of the proposed development and to the likely effects, at and in the vicinity of that location, of it being carried out.</p>
2.5	<p>Similar legislation exists in Scotland and contact was made with Scottish councils to explore how they deal with this piece of legislation. The feedback received, in particular from City of Edinburgh Council and Aberdeen City Council, indicates that they do have further standard requirements such as the PAN to be sent to local elected members, for additional events to be held, or for additional publicity of events such as leaflets and posters.</p>
2.6	<p>In some more contentious cases City of Edinburgh Council will also state in its response that a fuller consultation programme including feedback events may be required, dependant on the feedback from the initial events held. They may also ask for other events such as manned or unmanned exhibitions to be held.</p>
2.7	<p>The major difference in Scotland is the existence of Community Councils which have a statutory right to be consulted. They play a key role in the PAC process, helping to identify these additional engagement requirements on a case by case basis.</p>
2.8	<p>Given the absence of Community Councils and the desirability for better connections with</p>

	<p>local communities, it is proposed that the Council adopts a similar approach to City of Edinburgh Council by requesting that PANs are sent to elected members in the area of the proposed development, and that additional publicity be used to ensure that communities are aware of the event(s) taking place in all instances.</p>
2.9	<p>Senior Planning officers will meet to consider each PAN that is submitted to determine what, if any, additional requirements are to be requested, over and above those outlined by the applicant and the additional requirements in 2.8 above. To ensure that the all relevant factors have been considered and that decisions are informed by local knowledge Community Services or other relevant council officers may also be consulted, where required. For example this may include requesting a copy of the PAN be provided to local area partnerships. Prospective applicants will be made aware of the Councils response to the proposed consultation as set out in the PAN within 21 days.</p>
2.10	<p>It is estimated that there could be up to 300 major applications in any year, based upon the previous definition for major applications and a comparison to 2014 applications. This will have a resource implication for both Planning Service staff and Community Services and this will be monitored on an ongoing basis.</p>
2.11	<p>Given that members will now be receiving PANs for developments in their areas, it is proposed to issue a briefing note to all members outlining the key issues, process and the roles and responsibilities of council.</p>
2.12	<p>Having reviewed how various councils in Scotland give guidance on the PAC process, it was noted that they provide guidance on their websites including access to documents. The following documents have been prepared for Belfast Planning Service and will be available on the website:</p> <ul style="list-style-type: none"> • Belfast City Council Guidance pack: Pre-Application Community Consultation (Appendix 1) • Proposal of Application Notice (PAN) (Appendix 2) • Template newspaper advert (Appendix 3)
2.13	<p>Examples of a PAN response and subsequent PAC report are included in Appendices 4 & 5.</p>
2.14	<p>The wider development industry is being advised of this change through the information on the website, through written correspondence and through workshops being held on wider planning issues.</p>

3.0	Resource Implications
3.1	<p>This is a new element of work for the Planning Service and Community Services and the impact of the additional workload involved in assessing PAC will be kept under review.</p>

4.0	Equality and Good Relations Considerations
4.1	<p>There are no direct equality implications arising from this report. However, the Council will use the opportunity to promote equality by asking developers to be mindful of the need to ensure equality of access to consultation and engagement in the PAC guidance.</p>

5.0	Call In
5.1	N/A

6.0	Recommendations
6.1	<p>Members are asked to note and approve:</p> <ul style="list-style-type: none"> • The proposed method of assessing the adequacy of proposed consultations for major applications; • The proposals in relation to determining the nature of any additional consultation required by the Council including requesting that the PAN be sent to elected members in the area and for additional publicity to be provided by the prospective applicant; • A review to be carried out after six months to ensure that the approach being undertaken is consistent and ensures that communities are given adequate opportunity to comment on proposals at this early stage.

7.0	Decision Tracking
7.1	

8.0	Documents Attached
<p>Appendix 1 Belfast City Council Guidance pack on Pre-Application Community Consultation Appendix 2 Proposal of Application Notice (PAN) Appendix 3 Template newspaper advert Appendix 4 Example of PAN response letter from City of Edinburgh Council Appendix 5 Example of PAC report submitted to City of Edinburgh Council</p>	

9.0	Abbreviations
<p>PAC – Pre-application consultation PAN – Proposal of Application Notice</p>	