

# Major Preapps and Applications Protocol

## Planning Policy Decisions Team (PPDT) and Growth Boroughs

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### Introduction

This protocol outlines the objectives, principles, process and programme for managing major preapps/applications with the Boroughs, in the context of the transition of PPDT development management powers to the Boroughs, and concerns such matters up to August 2024. A 'Last 3 Months Protocol' will be agreed between PPDT and the Boroughs in 2024 covering, amongst other things, major planning applications and preapplications.

The aim is to maintain effective development management processes for each of the Borough areas with respect to major preapps and applications which will be submitted and considered/determined by PPDT as the Local Planning authority before September 2024, and to ensure a smooth transfer of responsibilities to the Boroughs at transition.

### Task

PPDT prepared a draft protocol circulated to the Boroughs in advance of discussion at the DM Transition Working Group on 26 April 2023, where agreement was reached on the way forward. PPDT were open to receive any further comment on the protocol until May 19, 2023, extended until 17 July 2023. The protocol was formally agreed at the July 27 meeting, and will be formally effective from August 2023.

### Protocol Objectives

- a. Provide clarity and certainty to all stakeholders that arrangements are in place to ensure 'business as usual' with regard to major preapps / applications until August 2024, in the context of the upcoming transfer of powers
- b. Allow effective stakeholder engagement in preapps / applications
- c. Agree a method for Borough involvement in preapps / applications
- d. Enable Boroughs to undertake, where required, continuing successful preapp / application work on cases inherited from PPDT
- e. Enhance Borough decision-making
- f. Streamline planning procedures and improve efficiency
- g. Strengthen accountability and transparency

### Principles and Process

- LLDC leads on all major preapps and applications
- Commitment for PPDT and Boroughs to resource and to involvement, communication, effective and timely reviews and feedback, to ensure working together effectively in delivering Planning services
- PPDT will share a list of major preapp / application cases monthly, and discuss at regular catch-up meetings with the Boroughs, as necessary
- Pre-applicants to separately pay PPDT and Borough for preapp advice

- PPDT will copy in the Borough reps on the weekly email circulation of planning applications received, and discuss those cases at regular catch-up meetings with the Boroughs, as necessary
- Boroughs may choose to become involved in a case of importance to them, identified from the list/email

**PREAPPS:**

- For any preapp case the Borough has an interest in, any meetings with preapplicants will involve both PPDT and the Boroughs (unless otherwise agreed between the LPAs) and will involve officer pre-meets to try and ensure a consistent message; and no individual meetings are to take place between a single LPA and the preapplicant (unless otherwise agreed between the LPAs)
- Any written preapp responses to be prepared by PPDT, with drafts and final versions shared with the Borough for joint agreement (for those cases the Borough has expressed an interest in/attended meetings)
- The agreed resolution mechanism for any fundamental differences on approach to the preapp response/advice is for PPDT to clearly set out where PPDT and the Borough differ on their views in the written response

**APPLICATIONS:**

- For any application the Borough has an interest in and they wish to be involved in a meeting will take place between the PPDT case officer and the Borough planner to discuss how best to achieve this
- The Boroughs will continue to be formally consulted on applications and retain the right to comment on the application in response
- Borough colleagues' comments will be taken into account in the consideration of planning applications and will be set out in officer reports
- Where there is a difference of opinion on a proposal, the LLDC Local Plan policies will prevail as the current Development Plan for the area
- Commitment to resource and to reviews to ensure working effectively
- LLDC Quality Review Panel, Built Environment Access Panel and Community Review Panel to be used for external design/community review

**GENERAL:**

- Boroughs may choose to brief preapps/applications to their committees
- Offer to fund retention of Pinsents Masons' legal service, Arup for environmentals and Jacobs for transport advice, for a period of up to 3 months post handback of powers to assist the Boroughs
- Boroughs use of LLDC consultants will need to be organised via direct award by the boroughs, with boroughs managing the contracts; Boroughs to send funding requests

**Programme**

- PPDT will share the list of on-hand preapps / applications monthly from August 2023
- PPDT will share the list of applications received weekly from August 2023
- Joint Publicity for handover of powers will include reference to planning cases
- The Statutory Instrument (SI) for the transfer of powers confirms that costs received post-transfer of powers will be picked up by the Boroughs, and costs granted by the courts, for example, following successful prosecution post-transfer, will be granted to the Boroughs. The scope of the SI has been agreed with DLUHC in April 2023. This is also consistent with the LLDC Planning Functions Order and the transitional arrangements set out in that SI

**Conclusion:**

This protocol provides a process for Borough involvement with respect to major preapps and applications until August 2024, towards a smooth transition/handback of PPDT's development management powers. By following this protocol, clarity and certainty can be provided to all stakeholders that effective arrangements are in place to provide advice and to make decisions.

**Agreement**

Borough agreement on the protocol (dated xxxxx)