

**PLANNING DELIVERY SERVICE**

**CUSTOMER GUIDE TO PRE-APPLICATION ENQURIES**

INTRODUCTION

Pre-application advice gives customers who anticipate making an application for planning permission to the Council the opportunity to receive feedback on their proposals before making the application. This can help the customer to improve the quality of their application, avoiding wasting time and money. The process aims to improve the quality of application submissions which may allow for a more efficient determination process.

It is important to note that pre-application advice is given strictly without prejudice to any decision taken by the Council in respect of any subsequent application(s) for planning permission. There will be no refund payable regardless of the decision made on any subsequent planning application. In addition, the pre-application enquiry charge and service is entirely separate from statutory planning fees, and will not discount any subsequent planning application fee.

PRE-APPLICATION ENQUIRY FEES

The Council will intend to provide pre-application advice within the timescales as set out below. The timescale begins when an application for pre-application advice has been submitted, validated, and payment made in full. The timescale will be paused if additional payments are determined as being due.

Applications may often involve development which falls into more than one of the categories set out below.

For instance, the pre-application enquiry may relate an enquiry for:

* dwellinghouses and other buildings;
* buildings together with other works;
* change of use together with works; or
* more than one change of use.

The fee for a pre-application enquiry which involves both erection of buildings for residential purposes and other types of buildings (but only in this case) is calculated by adding together the fee appropriate for each development. This applies whether the 2 types are combined or in separate buildings. Where a mixed use building includes common service floor space areas (e.g. foyers) serving both the residential and other parts of the building, these areas are divided pro-rata to the floor space of each type of development, and the non-residential portion of common floor space is added to the area of the non-residential floor space in the building for the purpose of calculating the fees.

Otherwise, where a pre-application enquiry relates to 2 or more categories, only the higher or highest of the fees calculated under those categories is charged and the service for the larger category will apply.

Pre-application enquiries must propose one form of development only. If a pre-application enquiry is received proposing more than one form of development, then it will have to be progressed under two separate enquiries with two fees paid.

If a pre-application enquiry is received proposing more than one option of the same development type on the same site, this may have to form a new and separate enquiry and subject to a new fee at the Council’s discretion.

For major / national developments, there are two tiers of service as set out below. The first tier of service is a pre-position discussion; this option is aimed at customers requiring a high-level view from Planning Delivery (for example, customers considering purchasing a site who are seeking a general opinion on the development potential of the site) and will not be appropriate for customers with more developed proposals requiring detailed information or complex advice. Customers cannot add additional services to the pre-position discussion option as an alternative to paying for the standard service. The second tier of service is the standard service as set out below.

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| Category | Charge | Standard Service | Optional Additional Services |
| Householder developments (including change of use of land for domestic purposes only) / advertising and signage | One dwelling - £90+VAT **(£108)**Two or more dwellings - £180+VAT **(£216)** | * Desktop review by case officer based solely on the information submitted by the enquirer
* Advice letter intended to be provided within 20 working days of validation
 | None |
| Local developments (small) including Section 42 applications* Up to 10 residential units
* Up to 999 sq m.class 4/5/6/other/mixed space
 | 50% of the cost of the planning application fee, subject to a maximum of £1000 + VAT (£1200) | * Unaccompanied site visit by case officer within 14 days of validation at the Council’s discretion
* Review by case officer based solely on the information submitted by the enquirer
* Advice letter intended to be provided within 20 working days of unaccompanied site visit
 | Maximum 1 hour meeting with case officer either on site/virtual/in person at the Council’s discretion - £200 + VAT (£240) for each meeting – at the request of the enquirer and with the agreement of the case officer specialist service advice (i.e. Road Services attendance) – additional £100 + VAT (£120) for each service |
| Local developments (medium) including Section 42 applications* 11 – 49 residential units
* 1000 sq.m.to 9999sq.m. class 4/5/6 space
* 1000 sq.m. to 4999 sq.m other/mixed space
* Development proposals where the fee is calculated by site area
 | 50% of the cost of the planning application fee, subject to a maximum of £2000 + VAT (£2400) | * Accompanied site visit by case officer if requested (max 1 hour), unaccompanied if not, within 14 days of validation
* Review by case officer of the information submitted by the enquirer
* Advice letter intended to be provided within 20 working days of site visit
 | Maximum 1 hour meeting with case officer either virtual/in person at the Council’s discretion - £200 + VAT (£240) for each meeting – at the request of the enquirer and with the agreement of the case officer specialist service advice (i.e. Road Services attendance) – additional £100 + VAT (£120) for each service |
| Major/national development including Section 42 applications* 50+ residential units
* 10,000 sq.m,+ class 4/5/6 space
* 5000 sq.m+ other/mixed space
* 2 hectares+ site size
* Development proposals dictated by site area
* Other criteria per The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009
 | £1200 + VAT (£1440) | * Maximum 2 hour discussion meeting with case officer, Road Services and other relevant Council officers at the Council’s discretion – verbal advice only, no advice letter provided
 | N/A |
| 50% of the cost of the planning application fee, subject to a maximum of £8000 + VAT (£9600) | * Maximum 1 hour discussion meeting with case officer, Road Services and other relevant Council officers at the Council’s discretion, date to be agreed within 10 working days
* Unaccompanied site visit by case officer
* Maximum 1 hour follow up meeting with case officer, Road Services and other relevant Council officers at the Council’s discretion
* Advice letter intended to be provided within 15 working days of follow up meeting
 | * Maximum 1 hour meeting with case officer, Road Services and other relevant Council officers at the Council’s discretion either virtual/in person at the Council’s discretion - £300 + VAT (£360) for each meeting
* Above meeting can include team manager/service manager, in which case - £500 + VAT (£600)
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| Major renewable energy related developments - energy, transmission and infrastructure developments including* Windfarms
* Solar Farms
* Onshore infrastructure for both onshore and offshore wind
* Battery Energy Storage Systems

This category includes proposals for planning permission in principle, planning permission, approval of matters specified in conditions, Section 42 applications and Section 36 and Section 37 consents under the Electricity Act 1989 | £10000 + VAT (£12000) | * Maximum 2 hour discussion meeting with case officer, Road Services and other relevant Council officers at the Council’s discretion, date to be agreed within 10 working days
* Accompanied site visit by case officer
* Maximum 2 hour follow up meeting with case officer, Road Services and other relevant Council officers at the Council’s discretion
* Advice letter intended to be provided within 15 working days of follow up meeting
 | * Maximum 1 hour meeting with case officer, Road Services and other relevant Council officers at the Council’s discretion either virtual/in person at the Council’s discretion - £500 + VAT (£600) for each meeting
* Above meeting can include team manager/service manager, in which case - £700 + VAT (£840)
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| Works to listed buildings | £90 + VAT (£108) | * Desktop review by case officer based solely on the information submitted by the enquirer
* Advice letter intended to be provided within 20 working days of validation
 | * Site visit by case officer - £120 + VAT (£144)
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Exemptions to pre-application charging:

Pre-application enquiries to alter or extend an existing dwellinghouse, or to carry out operations within the curtilage of an existing dwellinghouse, are exempt from payment of a fee if the planning authority is satisfied that the proposed development is intended solely to improve access, safety, health or comfort for a disabled person who is living in the house.

Pre-application enquiries for the installation of domestic renewable energy technologies and/or energy efficiency measures – it should be noted that this exemption does not apply to pre-application enquiries where the domestic renewable energy technologies and/or energy efficiency measures only form a part of a development proposal.

Community Councils - Pre-application enquiries from a community council are exempt from payment of a fee if the planning authority is satisfied that the proposed development is intended solely for community benefit.

Playing fields – Pre-application enquiries by not for profit clubs, or other not for profit sporting or recreational organisations, relating to playing fields for their own use are exempt from payment of a fee. This exemption applies to applications including for the change of use to use as playing fields together with associated operations (such as earth-moving, draining or levelling) but does not extend to the erection of buildings containing floor space. Playing fields would include football, hockey or cricket pitches, but not squash courts, tennis courts or golf courses.

East Lothian Council - Pre-application enquiries from East Lothian Council are exempt from payment of a fee.

East Lothian Integration Joint Board - Pre-application enquiries from East Lothian Integration Joint Board are exempt from payment of a fee as the responsible body for health and social care services.

PRE-APPLICATION PROCESS

All applications for a pre-application enquiry must be made using the online Pre-Application Enquiry Request Form on the Council website. Requests for pre-application advice made via other channels will not be accepted and applicants will be directed to the online form on the Council website. Customers should complete the form in full, providing as much information as possible about their development proposals and the information sought.

Pre-application advice will be offered solely on the information that has been submitted by the customer with the pre-application enquiry. The Council will not request any additional information to inform a response to a pre-application enquiry. The customer must therefore ensure that all relevant information on what they are proposing has been provided. Where the customer is meeting with the case officer, information must be provided in advance. The case officer may not be able to comment on any information that the customer does not provide prior to the meeting.

It should be noted that the Council will, where it deems necessary, seek advice from internal consultees. No advice will be sought from statutory external consultees. Where customers submit information that require input from external consultants, the Council will be unable to assess such information and will not provide comment on it.

Customers may also provide accompanying documents to further help explain their development proposals. At a minimum, the customer is asked to provide a location plan with the site outlined in red and identifying other land within the ownership or control of the applicant. Also having any known environmental constraints marked (e.g. existing trees, levels, and water management issues such as flood plains, culverted water courses, etc) in 1:1,250 or 1:2,500 scale. It is also recommended that the customer provide the below documents if available:

• Block plan (1:500 or 1:250 scale);

• Existing/proposed elevations (1:100 or 1:50 scale);

• Existing/proposed floor plans (1:100 or 1:50 scale);

• Draft outline design/access statement;

• Supporting photographs.

The completed form and the accompanying documents should be submitted by email to environment@eastlothian.gov.uk. Accompanying documents should be in PDF format and should total no more than 10 MB in file size. The required fee should be paid at the same time through the Council website.

Once the form and accompanying plans / details have been submitted, and the required fee paid the pre-application enquiry will be registered and a case officer will be nominated within the Council’s Planning service who will lead on delivering the service. Should the Council decline to offer pre-application advice, the customer will be advised of this and the reasons why as soon as possible.

If within 7 days of receipt of a form and accompanying plans no fee has paid, then the pre-application enquiry will not be registered, will be closed down and no response will be given.

If a pre-application enquiry is withdrawn prior to it being registered, any fee paid will be refunded. Once a pre-application enquiry is registered, the fee paid is non-refundable.

If, once a pre-application enquiry has already been submitted and is being dealt with (but no advice letter has yet been issued), the customer decides they want to add an optional additional service they didn’t originally request, such a request must be made using the online Pre-Application Additional Meeting Request Form on the Council website. The completed form should be submitted by email to environment@eastlothian.gov.uk. The required fee should be paid at the same time through the Council website.

**Response - Advice provided in relation to a pre-application enquiry**

The customer will receive an advice letter from the Council. This will be issued electronically, and will be aimed to be provided in line with the timescales set out above. Where additional meetings are requested as an additional service, the advice letter will not be issued until all meetings have been held, and then will be aimed to be provided

in line with the same timescales following the last meeting. The advice letter will contain, at minimum:

• An overall view on whether the development proposals are likely to be acceptable.

• Key mitigation required to make a proposal (more) acceptable.

• An indication of likely developer contributions required from the development.

• Any other relevant information arising during the provision of the pre-application advice service, for example detailed feedback from internal consultees, will be appended to the letter.

The advice given within the letter will depend on the individual circumstances of the case and the advice will be based solely on the information that is submitted to us. The advice letter will make clear that the contents of the letter are given at that time and strictly without prejudice to any decision taken by the Council in respect of any forthcoming application(s) for planning permission. Should there be any material change in circumstances, it is advisable to seek further pre-application advice.

The advice letter will be the property of the customer and can be shared at their discretion. A copy of the advice letter will be held by the Council and will be referred to should an application subsequently be made for the site in question to ensure continuity.