
PRE-APPLICATION ADVICE FOR MINERALS & WASTE DEVELOPMENT PROPOSALS WITHIN BEDFORD BOROUGH

GUIDANCE NOTE

Town and Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004
Local Government Act 2003

Background:

The Minerals and Waste development management function is provided on a partnership basis between Central Bedfordshire and Bedford Borough Council under a Service Level Agreement. This covers the provision of pre-application advice. This Guidance Note applies to minerals and waste development proposals within **Bedford Borough**. A charging regime for pre-application advice on minerals and waste development has operated in Bedford Borough since May 2012. The Central Bedfordshire pre-application advice Guidance Note and Application Form can be found on the following website:-

<http://www.centralbedfordshire.gov.uk/planning/minerals-and-waste/pre-application-advice.aspx>

The pre-application advice service provides you with advice before you submit a planning application to assist you with its preparation.

The Local Government Act 2003 allows Local Planning Authorities to operate a scheme of charging for discretionary services such as pre-application advice on certain types of development. This means that the costs of the providing the service fall on the prospective applicant or developer rather than the Council tax payer. (The current statutory planning application fees do not cover the cost of pre-application advice). Charging will also allow the service to be improved and delivered to a high standard which is consistent with the Council's commitment to treat pre-application advice as a service priority.

The benefits of pre-application advice

- Removes, as far as possible, uncertainties as to what is likely to be approved or rejected to reduce the risk of additional costs arising from failed applications or re-working of the application.
- Provides an understanding of how an application is likely to be judged against the policies in the development plan and other material considerations and also where an application is unlikely to be acceptable as a matter of principle.
- Identifies where there is a need for specialist input such as that relating to traffic, noise, flooding, contaminated land landscape, trees, ecology and to anticipate other regulatory requirements.

- Accelerates the decision-making process following submission thereby helping to minimise subsequent costs and abortive applications.
- Promotes higher quality development schemes in accordance with development plan policies.
- Reduces the need for further information or schemes to be submitted for approval under planning conditions attached to a permission.

Fee Categories

The following scheme of charging for provision of pre-application advice has been in effect since **1 April 2013**.

- A.** A fee of **£662.00** will apply to the provision of written pre-application advice, including allowance for one meeting of up to two hours duration attended by up to two officers, in relation to all categories of development proposal set out in the table below.
- B.** A fee of **£231.80** will apply to the provision of written pre-application advice where a meeting is not requested for all categories of development proposal in the table below.

1.	'Waste Management Development' including landfilling, landraising, built development and associated land or facilities. These would include, but not exclusively, composting, energy from waste plants, gasification plants, mechanical biological treatment (MBT) plants, pyrolysis, anaerobic digesters, household waste recycling centres, waste transfer stations, materials recycling facilities, aggregates recycling depots, waste electrical and electronic equipment (WEEE) facilities and scrap yards.
2.	New sites for the winning and working of minerals and extensions, use of land for storage of minerals in the open or for the deposit of materials remaining after mineral extraction any operations connected with exploratory drilling for oil or natural gas.
3.	All applications for variations to or non-compliance with conditions attached to existing planning permissions for 'Waste Management Development' including landfilling and landraising and for the winning and working of minerals.
4.	Review of Old Mineral / Mining Permissions (ROMPs) or Interim Development Orders (IDOs).
5.	Certificates of Lawfulness of Existing Use or Development (CLEUDs) or Certificates of Lawfulness of Proposed Use or Development Proposed Use (CLOPUDs) for all types of minerals and waste development.
6.	Retrospective applications for all types of minerals and waste development.

- C.** A fee of **£198.60** will be charged for written pre-application advice on the following:

1.	Submission of a scheme to discharge a condition or request for confirmation that a condition has been discharged or complied with.
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D. Each additional meeting or written response attended by up to two officers for a maximum of two hours will be charged at **£231.80** (Each additional officer in attendance will be charged at **£99.30**). Where following the issue of the written response, a first meeting is then requested, this will incur a charge of **£430.40**

Fee notes: –

- i) *All costs are inclusive of VAT @ 20%.*
- ii) *A telephone conversation providing preliminary verbal advice will not incur a charge but customers will be advised of this pre-application charging procedure.*
- iii) *Parish and Town Councils will be charged 50 per cent of the fee in accordance with the fee exemptions set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits (England) Regulations 2012.*
- iv) *For complex and/or significant proposals, which require a number of meetings and specialist advice from a number of subject areas, and where agreement is needed on a schedule of timescales for determination of the eventual application, a Planning Performance Agreement (PPA) should be entered into (not mandatory).*

Process and timescales

Step 1:

To initiate the process, a standard ‘Pre-planning Charging Application Form’ application form must be completed and submitted for all enquiries together with basic supporting information and plans as set out in the checklist on the form. The more detailed the information provided, the more the Council will be able to provide detailed and meaningful advice.

A specific e-mail address mwapplications@centralbedfordshire.gov.uk must be used for the submission of enquiries. This will be the means of contact for all subsequent matters arising in connection with each particular enquiry. Enquiries can also be submitted by post to the address at the top of the application form.

Step 2:

Upon receipt of a valid pre-application enquiry, the Council will issue a standard acknowledgement letter within 3 working days confirming that the start (validation) date, the unique case reference number and the assigned planning officer. Please note that payment must be received (by cheque made payable to ‘Bedford Borough Council’) before a pre-application enquiry can be validated and considered. The acknowledgement letter will set out the timetable to be adhered to as outlined below.

Step 3:

The case officer will seek the observations of relevant internal consultees within Bedford Borough’s Environment and Sustainable Communities Directorate, which encompasses the following specialist areas:

- highways development control;
- historic environment including archaeology;
- ecology;
- landscape;
- trees;
- conservation and design;
- strategic policy issues; and
- environmental health

In addition, given the complex nature of many minerals and waste proposals, the case officer will commonly consult with other Directorates in the Authority.

Please note that external organisations (e.g. Environment Agency, Internal Drainage Board, Natural England) whom we may consult at the application stage will not be consulted as part of the pre-application service. However, we will provide you with details of organisations to contact if required.

Step 4:

We will aim to contact you within 10 working days of the validation of your pre-application enquiry in order to arrange a meeting (where requested).

Step 5:

The timescale for providing you with a written response will depend on the extent of consultation. The response time will be within 20 working days from the date of validation of your request if consultations are restricted to the Environment and Sustainable Communities Directorate. The response period will be extended to a maximum of 30 working days in those instances where wider consultation is carried out within other Departments of the Council.

Step 6:

If further detailed specialist advice is required go back to step 1 by submitting a written request (no form required) accompanied by the appropriate fee as applies under fee category D. (If only clarification is required on the first written response, no written request or fee is required).

What we will provide as part of the service

In the majority of cases, the assigned officer will undertake a site visit. Where a pre-application meeting has been requested, attendance by a specialist member of staff in addition to the lead case officer may be warranted where a particular technical issue needs to be discussed. At the initial meeting, attendance by a second officer will not incur an additional charge.

Our written response to your enquiry, which will be taken into account in the determination of any subsequent planning application, will contain:

- A summary of consultee comments and consideration of any implications of the consultee advice.
- A summary of the relevant planning history and previous decisions.
- Advice on how local and national policies are likely to be applied to the proposal.
- Identification of actual or potential development constraints that may impose upon the proposed scheme.
- Informal comments and guidance, without prejudice, on the content, construction and presentation of the application.
- Advice on the documents to be submitted and procedures to be followed with your application.

Review

The operation of the pre-application advice service was reviewed in July 2013. It has been decided to continue with the scheme in its current form until a further review which is scheduled to take place at the end of the 2013-14 financial year. Any comments on the scheme are welcomed and should be sent to:

Minerals & Waste Team, Development Management, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire SG17 5TQ