



**ENCLOSURE 9
ITEM V
Appendix I**

GUIDANCE NOTE FOR APPLICANTS

Prioritisation of Planning Applications for Filming Projects within the Brecon Beacons National Park

The Brecon Beacons National Park Authority welcomes filming projects within the National Park. However, it is important for companies wishing to film within the Park boundaries to engage with the Authority at the earliest opportunity to establish what is likely to be appropriate within the National Park. The Authority can then assist in determining the requirements for such a project to take place, including whether or not planning permission is required. In some instances, the processing of an application for planning permission can be prioritised so that a decision can be made as swiftly as possible.

When determining planning applications, Local Planning Authority decisions have to be taken within the legislative and procedural framework set by Central Government. This Guidance Note provides further guidance for the prioritisation of planning applications for proposed filming developments within the Brecon Beacons National Park. It also provides an outline of how our own procedures may be able to accommodate the special requirements of the filming industry. This Guidance Note will assist film companies looking to undertake filming projects within the National Park which require planning permission, so that they are aware of some of the legislative procedures and statutory time constraints that apply to the determination of planning applications. This Guidance Note will also provide the public with an indication of the factors that might lead to the prioritisation of applications of this nature in the interests of an open and transparent planning process.

The Authority recognises the economic benefit to the National Park's communities that filming projects can bring and, indeed, the Authority's Statutory Duty to foster the economic and social wellbeing of its communities. Current local planning policy supports the principle of appropriate development bringing economic regeneration to the area in the right location.

However, the Authority also has a Statutory Purpose to protect the special qualities and landscape character of the National Park. If it is considered that a proposal may be likely to cause harm to these special qualities, or have significant adverse impacts on a sensitive site or landscape, which cannot be mitigated, then a planning consent or license for use of National Park Authority land is unlikely to be given.



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PRE-APPLICATION and SITE SELECTION

- Authority staff (outside the Planning Directorate) can assist companies in finding suitable filming locations. Their detailed knowledge of the National Park's landscape can save a company substantial time and resources in tracking down the right location. Authority staff members who have been involved in a promotional capacity in attracting the film company and in site selection will have no influence on the formal planning process and will operate according to the Authority's protocol in relation to filming in the National Park.
- Not all filming activities within the National Park require formal planning permission. Many 'low intensity' filming activities where there is no need for the building of a set or bringing in large equipment, could take place through 'Permitted Development' rights under the Town and Country Planning (General Permitted Development) Order 1995 (as amended). If a film company is unsure if they need formal planning permission, they are advised to contact the Authority's planning department at the earliest opportunity for advice. A formal process also exists where an applicant can apply for a decision via a Certificate of Lawfulness application as to whether planning permission is required.
- Where proposals to film within the National Park are likely to require planning permission, film companies will be encouraged to appoint a professional planning consultant to begin a dialogue with the Authority's planning officers as soon as possible. Once the need for planning permission has been established, the Authority offers a formal pre-application advice service which can give invaluable advice about the content of an application, the principle of the proposed development in that location and any constraints which may apply.
- On sites within the open countryside and outside the defined settlement boundaries shown in the Local Plan and Unitary Development Plan, film companies should be aware that planning permission is likely to be refused **unless** there are other material planning considerations which outweigh the policy presumption against developments in the open countryside and particularly in the protected landscape of the National Park. In the past, certain planning gains such as biodiversity, habitat, heritage and archaeological enhancements that may be relevant to a site have been sufficient to outweigh the presumption. However, all sites are different and all proposals for planning gain will be considered on their merits. Planning gain will only be a factor in respect of a planning decision where it is commensurate with the impact a development has on a site. Short term economic gains and the temporary nature of development are unlikely to be sufficient on their own to outweigh this policy presumption.



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PRIORISATION TIMEFRAME

- Planning, Access and Rights of Way (PAROW) Committee meetings are held approximately every 6 weeks. The timetable for PAROW meetings is set at the beginning of each year. Should a film company require a determination date which will not fit within the usual PAROW meeting timetable, the applicant should advise the Authority as early as possible. This will enable a suitable date to be found for a PAROW Committee meeting which can be lawfully* achieved in line with the statutory timescales.

(* Note: Applications are subject to a statutory public consultation period which cannot be curtailed. PAROW meeting dates must also be publicised and reports made available to the public in advance of the meeting. These lead-in times cannot be shortened).

- Applications which are eligible to receive prioritisation in processing are only those for temporary consent for filming purposes.
- In the event that significant additional costs would be incurred by the Authority as a result of a PAROW meeting being called to determine an application outside the normal committee timetable, such costs **may** need to be met by the applicant.

APPLICATION SUBMISSION AND PROCESSING

- The Authority operates Validation requirements for planning applications. Formal pre-application discussion with Authority planning officers will help to ensure that a comprehensive and valid application is submitted. All applications need to contain sufficient detail to enable the Authority to assess the full impact of the proposal. It is strongly recommended that applicants engage a suitable planning professional to assist with the pre-application discussions.
- The Authority determines the majority of valid applications within 8 weeks of receipt, particularly when they can be dealt with by the planning officers under delegated powers. However, filming proposals will always be reported to the PAROW Committee for a decision where Authority land is to be used and/or members of Authority staff are required to provide on-site monitoring of the development.
- Valid planning applications are usually registered and acknowledgement letters and consultations sent out within 2 days of receipt. All applications are subject to public consultation for at least 21 days from the date of site notice display, press notice or individual consultation letter date (whichever is the later). Applications will not



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normally be considered by the PAROW Committee until all consultation periods have expired.

- The prioritisation of planning applications is contingent on a pro-active approach from the applicant. It is important that, where additional information is required by Authority officers to enable them to make a recommendation, the applicant provides it in a timely fashion.
- Any application which is subject to a significant change during the planning process that requires re-consultation would be subject to a revised timetable, which could make the calling of a special PAROW committee meeting unlikely. It is therefore advisable that such issues are discussed early on, so that the application can accommodate any changes without the need for reconsultation.
- Planning legislation prevents any valid application for planning permission from being determined within 28 days of receipt.

THE PLANNING DECISION and DURING DEVELOPMENT

- The Authority will seek to secure normal planning controls over the development through planning conditions and, where appropriate, a Section 106 legal agreement. In situations where such an agreement is required, a formal planning decision cannot be issued until the agreement has been completed. It is important that any negotiations in relation to a Section 106 agreement are carried out in tandem with the processing of the application, to ensure that the planning permission is not delayed. The cost of a Section 106 agreement will be met by the applicant.
- The Authority understands the dynamic nature of the film industry in terms of its need to move quickly and react to the artistic demands of the film creators. However, the National Park landscape is a precious and finite resource that the Authority is tasked with protecting. The Authority will seek to protect the amenities of the National Park's communities, and to minimise any disruption associated with a project. In some instances where there is a particularly large project or where a project is in close proximity to a sensitive location, it may be necessary to have a daily monitoring presence during set up, filming and eventual vacation of the site. The additional costs of such monitoring will be met by the applicant through a Section 106 agreement, and the monitoring officer appointed by the Authority shall have the power to halt activities on site should they feel a serious breach of planning control has occurred or is threatened.
- The Authority will seek to secure adequate measures to restore the site after use and mitigate for impact of the development.



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- Where land is in the ownership of the Authority, it is likely that control of the development will be secured through a Section 106 agreement in order to overcome the difficulty of securing enforceable conditions in relation to its own land.
- Applicants are advised not to commence any works/operation prior to the issue of planning permission, or where appropriate to the discharge of planning conditions. Any such unauthorised works could jeopardise the planning permission.
- When planning permission is given for such developments it will be for a fixed temporary period. Film companies need to think carefully about the time periods they will need to use the site, including any necessary set up time and time needed to clear the site after filming. The permission will require the film company to vacate the site by the time their consent expires, unless they have already secured a formal extension of that time period by obtaining a further formal planning consent.

This Guidance Note relates to the planning process within the National Park only. Any temporary use of land for a filming project may require other consents (e.g. consents relating to rights of way, common land, SSSIs and SACs, highways, health & safety (such as working within proximity of pipelines or cables) and permission from the landowner). The grant of any planning permission does confer any other separate consents which may be necessary to lawfully carry out the development. It is the responsibility of the film company to obtain all necessary consent(s) prior to its use of the location.

Further Reading

"Charging for Pre-Application/Planning Advice" (April 2010), Brecon Beacons National Park Authority
<http://www.breconbeacons.org/the-authority/planning/draft-guidance-note-charging-for-pre-application-planning-advice>

"Realising the Potential of Pre-Application Discussions" (May 2012), Welsh Government
<http://wales.gov.uk/docs/desh/publications/120530preapppracticeguideen.pdf>

The Town and Country Planning (Development Management Procedure) (Wales) Order 2012
http://www.legislation.gov.uk/wsi/2012/801/pdfs/wsi_20120801_mi.pdf

"Validation Requirements", Brecon Beacons National Park Authority
<http://www.breconbeacons.org/the-authority/planning/validation-requirements/view>

Circular 13/97 Planning Obligations (July 1997), Welsh Office
<http://wales.gov.uk/docs/desh/policy/970708circular1397en.pdf>



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Community Infrastructure Levy Regulations 2010

http://www.legislation.gov.uk/uksi/2010/948/pdfs/uksi_20100948_en.pdf

Community Infrastructure Levy (Amendment) Regulations 2011

http://www.legislation.gov.uk/uksi/2011/987/pdfs/uksi_20110987_en.pdf