


Agenda Item No:	7	
Committee:	Overview and Scrutiny	
Date:	23rd November, 2015	
Report Title:	Charging for pre-application planning advice	

Summary

This report follows on from the recommendation made under the Planning Advisory Service review of the planning service conducted in 2014. One of the recommendations included the introduction of a pre-application charge for planning. This report sets out the case for charging for pre-application planning advice and recommends that the principle for charging be agreed. The report also provides a summary of the legislative background for charging for pre-application planning advice as provided by the National Planning Practice Guidance, General Power for Best Value Authorities to Charge for Discretionary Services - Guidance on the Power in the Local Government Act 2003 and the professional advice provided by the Planning Officer Society. The report also refers to the approach taken by other planning authorities to charging.

Key issues

- To ensure that the costs of the service are covered by the income received and to improve customer service and delivery by setting clear targets for response times;
- To ensure continuity of charging regimes for the provision of Pre-application advice between FDC and Peterborough City Council in terms of the delivery of the new shared service.

Recommendations

- **Note the attached report - recommend any changes to the approach or the suggested charging regime be referred to Cabinet and Council to consider on 17th December, 2015.**

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Councillor Will Sutton - Portfolio Holder for Neighbourhood Planning
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Background Paper(s)	Corporate Plan 2015 - 18

1 Background / introduction

- 1.1 The purpose of this report is to provide information on the issue of charging for planning advice and to ensure that one charging regime is used in respect of pre-application advice reflecting the provision of a shared service between FDC and Peterborough City Council.
- 1.2 The debate regarding pre-application charging is not new and was identified as a key improvement area within the Planning Advisory Service Action Plan. Pre-application charging is widely practised by local authorities across the country and as well as additional income meeting a currently unfunded part of the planning service is also considered to provide more certainty to customers in terms of timing for delivery of advice.

2 Considerations

- 2.1 The General Power for Best Value Authorities to Charge for Discretionary Services says; “When considering the introduction of charges for advisory services authorities will wish to take a view as to whether the charges will improve overall levels of regulatory compliance. Consultation with local businesses and other interested parties may inform their consideration.”
- 2.2 The statutory planning framework is provided by the Town and Country Planning Act 1990 (As Amended). Specific guidance on pre-application charging is provided by the National Planning Practice Guidance (NPPG published August 2013) which recognises the importance of pre-application engagement by prospective applicants in improving the efficiency and effectiveness of the planning application system. It recognises that pre-application engagement needs to be tailored to the nature of the proposed development, the issues to be addressed and that local planning authorities may charge for planning advice. The NPPG does recognise the range of different advice that is given by local planning authorities. The NPPG explains that if charging is to be introduced local planning authorities are strongly encouraged to provide information on line about:
 - the scale of charges for pre-application services applicable to different types of application (e.g. minor or major and other)
 - the level of service that will be provided for the charge, including:
 - the scope of work and what is included (e.g. duration and number of meetings or site visits)
 - the amount of officer time (recognising that some proposed development requires input from officers across the local authority or other statutory and non statutory bodies)
 - the outputs (e.g. a letter or report)
 - the guaranteed response times
- 2.3 The NPPG also explains that pre application engagement should be a two way process and the level of information required by the local planning authority needs to be proportionate to the development proposed.
- 2.4 The advice within the National Planning Policy Guidance is itself of recognition of the acceptance of charging for pre application advice to improve the quality of submissions and a better built environment whilst working proactively at an early stage in the planning process. Today charging for pre application advice is therefore common amongst planning authorities and in setting the charging rate, reference will be made to the charging rates and categories of development to which charging is applied elsewhere.

- 2.5 Given the new shared service with Peterborough City Council it is considered necessary to ensure that there is continuity in respect of the charging regime for pre-application advice in regard to the delivery of the shared service. FDC does not currently charge for the service that it provides whereas Peterborough does. Having regard to the provisions of the Corporate Plan as set down below and the National Planning Practice Guidance it is recommended that Fenland adopt the Peterborough charging regime.
- 2.6 The charging regime will, in accordance with the advice contained within the NPPG, detail:
- The categories of development to which charging would apply;
 - The type of service provided and whether to adopt a tiered approach relating whether the proposal involves a desk top assessment; a site visit and/meeting.
 - The exemptions to charging relating to the type of advice or the nature of the enquiry such as :
 - General planning advice on minor proposals given verbally by the duty officer or at the Customer Service Centre;
 - Incidental advice or information given by telephone;
 - Discussions in relation to enforcement matters;
 - Enquiries relating to advertisements.
 - There is no exemption to charging relating to the organisations requesting advice such as small businesses (subject to further discussions with Economic Development) or Parish and Town Councils, Cambridgeshire County Council, Housing Associations (unless a mixed market/affordable scheme is proposed)
 - There will be a need for a review mechanism to be built in to the charging regime to enable an annual review of charges and the categories of the development to which charges would apply.
- 2.7 In addition to the charging schedule itself, process and procedures will need to be introduced to ensure charging information is transparent and available for inspection through the Council's website along with details for the mechanism for charging, the level of information which will be required before advice will be given and the timetable for the response to an enquiry.
- 2.8 There are no direct staffing consequences, although additional administrative work is required to implement and operate pre-application charges, with accurate recording of all meetings and discussions required, receipting and recording monies received etc.
- 2.9 Charging for planning advice would be a new source of income for the Authority which on the basis of charges elsewhere it is estimated that it would generate £25,000 pa. In considering the proposed scale of charges other local authority charging regimes have been considered including King's Lynn and West Norfolk, Peterborough City Council, South Cambridgeshire and Huntingdonshire. In particular officers considered the range of scales used by King's Lynn who have a similar application profile to Fenland and Peterborough due to the shared planning service arrangement.
- 2.10 The figure of £25,000 has been calculated using the Peterborough annual pre-application fee income as a guide. Whilst FDC received significantly more pre-apps than Peterborough in 2014-2015 it is likely that this is due to the fact that Fenland currently do not charge for the service. In discussions with both Peterborough and the Borough Council of King's Lynn and West Norfolk they have both confirmed that the introduction of pre-app charging resulted in a reduction of submissions, primarily from those who would otherwise submit frivolous and ill-considered inquiries or those where the information sought was easily available on line. In fact King's Lynn and West Norfolk confirmed that the numbers of pre-application inquiries reduced by 50%.

- 2.11 For comparison in the last financial year 2014/2015 Peterborough had a fee income of £57,000 in respect of 199 pre-application inquiries whereas, in the same period, FDC received 233.
- 2.12 Based upon the King's Lynn and West Norfolk experience it is possible that the numbers of pre-apps received following the introduction of charging could drop to an estimated 115 pa following introduction of the charging regime, based upon 50% of the numbers received by Fenland in 2014/15. As Fenland will be operating the same charging regime as Peterborough, based upon PCC's income for 2014/15, the fee income applied pro rata to FDC would result in a figure of circa £33,000. However, PCC is a unitary authority dealing with mineral applications as well has a higher number of major applications (12%) which attract the higher fees. For this reason it is considered appropriate to adjust this figure in the light of these factors and reduce the estimated income to £25,000 pa.
- 2.13 The Council have undertaken a public consultation exercise in respect of the proposed charging scheme which runs until the 4th December, 2015. This has included liaison with the FDC agents forum.
- 2.14 To date 15 letters of responses have been received raising the following comments:
- Need for consistency between pre-application advice and final application decision.
 - Consideration of a refund if timescales for response not adhered to.
 - Consider 28 day response for major applications rather than 42.
 - Note that other consultees also charge for pre-application advice therefore raising burden on applicant.
 - Suggestion that 50% of pre-app cost is reimbursed at application stage as there should technically be less assessment for FDC officers to undertake.
 - Support in principle but need for guaranteed service delivery.
 - So long as process is effective it will reduce time, costs and refusal decisions.
- 2.15 These are considered relevant points and will be taken into consideration in the finalising of protocols for how the process will operate. Members will be updated if additional consultation responses are received.

3 Effect on corporate objectives

- 3.1 The principle of charging for planning advice is consistent with FDC's Corporate Plan 2015 – 18 which outlines the significant budget challenges faced by the Council whilst at the same time identifies the need to:
- Deliver a proactive and effective Planning Service to enable appropriate growth and development
 - Corporate priority - Promote and enable housing growth, economic growth and regeneration across Fenland.
- 3.2 The principle of charging would also dovetail with other organisational changes in service delivery to improve customer experience through changes such as improving online capacity and ensuring that guidance may be targeted and cost effective.

4 Community Impact

- 4.1 The introduction of a pre-application charging service will result in a more efficient service to customers and will assist in ensuring that future development schemes meet with adopted planning policy and are of a standard which will benefit the overall community. The additional income raised will also contribute to the Council budget which again indirectly has a benefit to the wider community.

5 Conclusions

- 5.1 The principle of introducing a pre-application charging scheme is considered to have clear benefits as set down above. It will result in a more efficient and targeted service for the customer, will reduce poor quality submissions, will allow the Council to recover the associated costs with providing the advice and will contribute financially to the Councils budget.
- 5.2 Should the Committee approve the introduction of charging for planning pre-application advice then the matter is referred for final decision to the next meeting of Cabinet and Full Council accompanied by any recommendations made by the Overview and Scrutiny committee.



Planning - pre-application enquiry fees (April 2016)

Fees for our advice services are outlined below with the exceptions of:

- listed building consents that do not require planning permission

The table below covers all research time on a case, including a site visit by a Development Officer, meetings and a final written response.

Please note:

For Category C proposals, a meeting will only be held at the discretion of the case officer

Where additional officers are required at meetings to give specialist advice, there will be an additional flat rate of £50 per hour or part of an hour

The fee needs to be paid before a request for pre-application advice will be processed.

Category A	Major Projects (Large Scale, Complex Developments)	
	<ul style="list-style-type: none"> - Developments involving sites of between 1 and 2ha - 2000 square metres or more commercial floor space - Development requiring an Environmental Impact Assessment - Telecommunications equipment and masts-composite proposals for 10 or more sites 	£2500

Sites of 2 ha and over, the fee for these enquiries will be determined on a case by case basis		
Category B	Other Major Developments	
	<ul style="list-style-type: none"> - Provision of 10 or more residential units provided the site area is 0.5 - 1ha - Provision of 1000 square metres - 2000 square metres of commercial floor space - Mixed use developments on a site 0.5 - 1ha 	£1500
Category C	Minor Developments	
	Householder works or extension	£60
	<p>Small scale residential (1 – 9 dwellings and where site is less than 0.5ha). This is a sliding scale of:</p> <p>£50 for 1 dwelling £150 for 2 dwellings £400 for 3 - 5 dwellings £750 for 6 - 9 dwellings</p>	
	Commercial Development	
	<p>Development relating to shops, offices, B1, B2 or B8 or other commercial business property:</p> <p>0 - 75 sq m = £80 76 - 150 sq m = £150 151 - 500 sq m = £300 501 - 700 sq m = £400 701 - 850 sq m = £500 851 - 999 sq m = £600</p>	
	Advertisements	£60
	Individual proposals for Telecommunications equipment and masts	£80
Category D	Change of use only	£150

Please note: fees in the above table are inclusive of VAT.