

SURREY COUNTY COUNCIL

CABINET MEMBER FOR ENVIRONMENT

DATE: 16 FEBRUARY 2011

**REPORT OF: MICHAEL GREEN, TRANSPORT
DEVELOPMENT PLANNING WEST TEAM
MANAGER**



**SUBJECT: PROPOSALS FOR CHARGING FOR PRE-APPLICATION
ENQUIRIES ON TRANSPORT DEVELOPMENT PLANNING
MATTERS**

KEY ISSUE/DECISION:

Surrey County Council does not currently charge for providing its statutory role of Pre-Application transport advice to prospective applicants. Several other authorities do, and this report recommends introducing charges which could assist in partially off-setting the significant budgetary reductions for future years.

The Cabinet Member is asked to agree to the following:

- The scheme of charging will be implemented by Planning and Development Group (Transport Development Planning) from 1 April 2011 as a pilot for a year to 31 March 2012.
- Prior to its introduction, Surrey Planning Officers' Association (SPOA) will be notified of the system.
- The process will be included within the Transport Development Planning (TDP) web pages on Surrey County Council's web site.
- The process will be monitored and reviewed six months after implementation, and then again after a year to assess whether it should continue or be modified.
- Detailed Project Time Sheets will be maintained as part of the review process.
- The findings will be reported to Minerals and Waste Planning so that they can consider adopting a similar regime.

DETAILS:

Introduction

1. Surrey County Council as Transport Authority, are consulted by its 12 constituent Local Planning Authorities on over 14,000 planning applications per year, many of which have an impact on the transport network. The advice of Surrey in this context is an important consideration for the Local Planning Authority when determining planning applications. Circular 08/2005 "Guidance on Changes to the Development Control System", imposes on the County Council a duty to respond to pre-planning enquiries within 21 days, and does not rule out the potential to charge.
2. The County Council welcomes and encourages discussions before a developer submits a planning application. It invariably results in better quality

applications which stand a better chance of a successful outcome and helps speed up the decision making process after submission. Discussions can also avoid abortive costs to the development industry if proposals are inappropriate and un-resolvable.

3. It is important that these discussions add value to the process, and to ensure their consistency and continuation, a charge to the prospective developer is being proposed. It is fair that the cost of responding to such enquiries should be recovered directly from the developer, and not fall as a general cost to the wider community. It should be noted that the current statutory planning fees do not cover the cost of pre-application advice given by the County Council on transport matters.

Development Team Approach

4. The principle of frontloading the planning process is established in Planning Policy Statement 12: Local Development Frameworks. The document established the need for a streamlined and efficient process to ensure housing targets can be met, and suggested that one of the ways of achieving this would be to “front load” the planning process by ensuring that discussions are undertaken at the earliest opportunity. The theme is continued in Planning Policy Statement 3: Housing, which highlights the need for a collaborative working approach, which should be initiated at an early stage of the planning process. This would assist in delivering high quality development, and meeting the required housing numbers allocated through the Regional Planning process. Manual for Streets, published in March 2007 also encourages a collaborative approach in shaping development proposals, where developers, local authorities and other public agencies work together to ensure developments are designed and delivered with consideration of all relevant issues.
5. Finally, other planning authorities, and their consultees within the South East are also charging for this element of the development process, to recover the costs associated with it. West Sussex and Dorset have introduced charging, and have not attributed any reduction in pre-planning enquiries, or quality of planning submissions to the charge.
6. The allocation of proper resources to the pre-application process will assist in the delivery of these objectives.

Benefits of charging for pre-planning enquiries:

7. The following benefits may arise from the developers’/ wider community’s point of view:
 - An understanding of how national, and local guidance and policies will be applied to the development
 - The potential for reducing the time that professional teams spend working up the proposals
 - An indication of those proposals that may be completely unacceptable, and the consequential savings from not progressing abortive design and application submissions.
 - An enhanced design framework could be applied to the development, with greater working between professionals and thus a much improved

end quality of development This would benefit both final occupiers, as well as the general community.

- Ensures a minimum standard of response is provided with a written confirmation of the advice that can be submitted as part of any subsequent application.

8. The following benefits may accrue to the County Council:

- The development of a new income stream at a time when significant cuts are being proposed. There is the potential to recover the costs of this valuable input to the development process within Surrey.
- A reduced need for resourcing the currently unfunded planning application consultation. If a higher quality of proposals is then submitted at the application stage, in response to the pre-application consultation, considerably reduced input would be needed at this point in the process.
- It brings the County into line with practices already adopted in some of its constituent districts, and neighbouring Counties.

9. **Dis-benefits:**

- Charging for pre-planning enquiries could increase the costs for prospective developments, if the proposals are not progressed (when the savings would otherwise be realised)
- Charging could discourage pre-planning enquiries if the development industry want to make short term savings (at the expense of longer terms costs). If a proposal is submitted without the benefit of the County's input, it could result in a refusal and potentially resource hungry appeal, which otherwise could have been avoided.
- There are likely to be some hidden costs involved in the administration of processing payments, which proportionately, will be larger for the greater number of lesser projects. (See section 12.)

Principles of proposed charging system:

10. The proposed system is based on practice from other Surrey Local Planning Authorities, and other County Highway Authorities, who are now applying their own systems. The main features are:

- No charge will be made for householder and other minor proposals (those are covered by TDP Standing Advice).
- No charge will be made for charitable and public sector non profit making proposals
- No charge will be made for Surrey County Council development proposals
- No charge will be made for the development of Policy with the LPAs, until adoption of relevant policy document.

Proposed Charge rates:

11. Proposed rates of charges are set out in the table below:

Residential Development:

No of dwellings	Written Response	With Meeting
1 to 4 dwellings	£100 (+vat)	£125 (+vat)
5 to 9 dwellings	£250 (+vat)	£315 (+vat)
10 to 24 dwellings	£450 (+vat)	£560 (+vat)
25 to 49 dwellings	£750 (+vat)	£950 (+vat)
50 to 80 dwellings	£1200 (+vat)	£1200 (+vat)
81 or more dwellings	£2000 (+vat)	£2000 (+vat)

Commercial and Retail Development (all gross floor areas)

Gross Floor Area	Written Response	With Meeting
Up to 100 m2	£100 (+vat)	£125 (+vat)
101 m2 to 500 m2	£450 (+vat)	£560 (+vat)
501 m2 to 1000 m2	£750 (+vat)	£950 (+vat)
1001 m2 to 2000 m2	£1200 (+vat)	£1500 (+vat)
2001 m2 to 5000 m2	£1750 (+vat)	£1750 (+vat)
5001 m2 or more	£2000 (+vat)	£2000 (+vat)

- Mixed use developments that can not easily be calculated from the above tables will be charged on an individual basis.

12. Process

- If a prospective applicant/ developer requires initial advice on the pre-planning process, a telephone call or brief email to the appropriate officer will be encouraged. Any further input after such a call, or email response will initiate the commencement of the process.
- The charge will be made independent of any other charges that might be made by the relevant planning authority. Attendance at meetings will only occur once a written undertaking to pay upon receipt of invoice has been received.
- Prospective developers should submit the following information with their pre-planning submissions:
 - Site Plans
 - Site Address
 - Development Description
 - Scoping for TS/ TA, or Drafts of these documents
 - A letter confirming that they will pay the appropriate charge upon receipt of an invoice.
- The charge will cover the following work by TDP:
 - A single site visit (if no on site meeting is held)
 - An indication of the appropriate policies, standards and guidance against which the proposal will be assessed.
 - A single face- to- face meeting on site, at TDP's offices, or the relevant Borough / District Council, if requested on larger scale developments.
 - A written response within 21 days of receipt of formal request or meeting, whichever is the latter.

- A single re-check of the scheme following any necessary revisions.
- (An additional charge is made if meetings are requested on smaller scale developments - see table above)
- An invoice will be sent out upon receipt of the formal request, with a requirement that it be paid within 14 days.
- The written response will not be advice to the developer on how to secure planning permission for his proposals. It will attempt to provide the developer with an indication of how the County Council, as consultee on transport matters, is likely to view the proposals (following modification).
- The pre-planning response is provided without prejudice to the County's final formal response on any future planning application that might be submitted. The final response is made after public consultation; with the availability of more detailed information, and following more detailed assessment. Most importantly, the final outcomes on the proposals are subject to the detailed consideration of a whole range of issues and factors by elected Members.
- Costs and charges to be reviewed after six months and then on 1 April 2012 and each year thereafter, taking account of resources spent on each level of application, and overall cost increases that might have occurred over the year.

Potential Costs:

13. The process will require a level of administration that will need to be accounted for in the net benefits that will accrue from charging for Pre-Planning. A district by district spread sheet will be established to record each chargeable Pre-Planning Enquiry, with provision on that for the recording of all officer time and additional consultations involved. This will be used at each review to monitor the appropriateness of charging levels. It is envisaged these administration costs will be absorbed within the current salary budget.

Potential income generation:

14. The likely income that might possibly be generated through introducing such a charging regime is difficult to accurately judge, primarily due to the significant variances in numbers and types of consultation proposals received. As stated above, it is also difficult to judge the disincentive impact of introducing the scheme. However based on taking a three-year average of pre-planning activity over the period 2007 to 2009 inclusive, a conservative receipt would be in the region of approximately £50,000. This assumes a repeat of the type and size of proposals received over that period. Clearly, as stated above, this sum would vary significantly, either up or down, depending on the known variables.

Consultation

15. The principle of charging has been taken to the Surrey District and Borough Development Control Officers' meeting. The 12 constituent planning authorities are aware of the intention to commence charging, and the fees have been drawn up in liaison with them. The level of charges has also been benchmarked against other highway authorities.

Financial and value for money implications

16. The proposal will be funded entirely within existing budgets as set out in paragraph 13 above.

Equalities implications

17. Special consideration has been given to charities and individual householders, who generally are “not for profit” organisations, by excluding them from the charges.

Risk management implications

18. None identified.

Implications for the Council’s priorities or Community Strategy/Local Area Agreement targets

19. The proposals will contribute directly or indirectly to the County’s priorities of tackling climate change, supporting sustainable growth, and improving value for money in public services. There are no implications for Looked After Children.

Climate change/carbon emissions implications

20. The County Council attaches great importance to being environmentally aware and wishes to show leadership in cutting carbon emissions and tackling climate change.
21. The proposals will potentially generate an improvement to the quality of development proposals in the discipline of transport and the public realm creation, and could therefore impact indirectly on improvements to reductions in carbon emissions and tackling climate change.

Legal implications/legislative requirements

22. None identified.

Corporate Parenting/Looked After Children implications

23. None identified.

Section 151 Officer commentary

24. The S151 Officer confirms that all material, financial and business issues and risks have been considered and addressed in this report. The exact cost to the Council of providing pre-planning advice will be established through ongoing monitoring, and charges will be adjusted as necessary to ensure appropriate costs are recovered.

RECOMMENDATIONS:

It is recommended that:

- (1) The above scheme of charging be implemented by Planning and Development Control Group (Transport Development Planning) from 1 April 2011 as a pilot for one year.
- (2) Prior to introduction, Surrey Planning Officers' Association be notified of the system.
- (3) The process be included within the TDP web pages on Surrey County Council's web site.
- (4) The process be monitored and the process and costs and charges reviewed six months after implementation, and then again after one year, to assess whether the scheme should continue, or be modified.
- (5) Detailed Project Time Sheets be maintained as part of the review process.
- (6) The findings be reported to Minerals and Waste Planning, so that they can consider adopting a similar regime.

REASONS FOR RECOMMENDATIONS:

To produce an income stream for an area of statutory work that currently receives no direct funding.

WHAT HAPPENS NEXT:

See recommendations.

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Consulted:

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Dominic Forbes, Group Manager, Planning and Development
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Informed:

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