

TO: PLANNING & REGULATORY COMMITTEE DATE: JULY 2014
 BY: PLANNING DEVELOPMENT CONTROL TEAM
 MANAGER
 DISTRICT(S) ALL ELECTORAL DIVISION(S): ALL

PURPOSE: FOR DECISION

TITLE: ARRANGEMENTS FOR PRE APPLICATION GUIDANCE AND LOCAL FEE
 SETTING FOR COUNTY COUNCIL MATTER DEVELOPMENT

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SUMMARY REPORT

This report addresses the introduction of formal pre application discussion guidance and charging scheme for county matter development. Pre application guidance is a key part of delivering a good planning service and in order to facilitate this the objective is to establish an equitable means of financing an effective and efficient advisory service that provides increased certainty and transparency for the developer, County Planning Authority (CPA) and local community.

Three broad levels of pre application engagement have been identified which reflect different levels of service. The scheme of charging as proposed is to apply a standard charge for major and minor development categories within level two and a bespoke charge at level three.

Recommendation: that Members approve the implementation of the proposed pre application guidance procedure and charging scheme to be introduced by the 15 September 2014, and to be reviewed after the first year and thereafter as appropriate

Introduction

1. The Local Government Act 2003 allows local authorities to use discretionary powers to recover the costs incurred in providing a public service to a consistent and high standard. The recent review of the Surrey Planning Service highlighted that whilst the quality of the pre-application advice given by the service is considered to be best practice there are areas where improvements can be made given that this area of work takes up such a large proportion of officer time. The recommendation was therefore to introduce charging for pre-application advice which would reflect the true value of the expertise provided by the Planning Service and would increase its profile for delivering corporate projects, whilst also lead to greater attention being given to the planning advice received, better quality submissions and higher validation rates.
2. At present CPA makes no charge for pre application advice given by planning officers. Separate arrangements are in place to deal with county councils' own development and so these proposals relate to minerals and waste related development.

Benefits of providing pre application advice

3. The National Planning Policy Framework (NPPF) states that 'Early engagement has a significant potential to improve the effectiveness of the planning system for all parties. Good quality pre application discussion enables better coordination between public and private resources and improved outcomes for the community.'
4. Pre application guidance is therefore a key part of delivering a good planning service and the recovery of the cost of delivery would enable the delivery of an effective and efficient

service against a background of budget constraints and reflect growing practice elsewhere. The current national planning application fee system does not cover the cost of providing pre application discussions notwithstanding that the service is advocated in government advice.

5. Pre application advice should provide increased certainty and transparency for the developer, planning authority and local community and should include:
 - Indication of acceptability.
 - Identification of the issues to be addressed in the application
 - Identification of the need for specialist input
 - Advice on the community engagement
 - Advice on the national and local validation requirements.
 - Indication of the likely timetable for determination.
 - Early identification of any Section 106 requirements/contributions.
6. In setting appropriate charges it is necessary to take into account potential negative impacts. Disproportionate additional costs may act as a disincentive to developers. However, Officers consider that a reasonable schedule of charges which allows the recovery of the real cost while delivering a high quality service, should deliver efficiencies to the developer through a well founded submission which minimises delay. These benefits should be communicated as part of the pre application service.
7. The budgetary plan for the current review assumes a contribution from pre application charging in the order of £26k per annum.

Charging levels and categories

8. The new system should be simple and easily understood and so cost effective to administer. Three broad levels of pre application engagement have been identified. A first basic level of service would be provided free of charge and include already published information available on the County Council website including the pre application checklist and the first thirty minutes of any advice given by Officers. The second level of engagement would attract a charge and would include an office or a site meeting and a further written response where requested. The amount charged will vary according to the complexity of the development and be divided into a major and minor category. Major development includes proposals subject to Environmental Impact Assessment (EIA), development on sites in excess of 0.5 ha and buildings in excess of 1000 m². More detail is given in Annex A.
9. In the interests of simplicity of process it is proposed to apply a standard charge at level two for the major and minor categories rather than impose an hourly rate and add a travelling allowance. The fixed sum would be required in advance of the service requested and would be non refundable and in addition to any planning application fee subsequently paid. The highest fixed charge would be for a site meeting including a written response which would be in the region of £2000 excluding VAT. The written response would be in prescribed form. The charges advocated represent the full cost of delivering the second level service. The CPA cannot recover more than the cost of the service but may recover less than the full rate, although this is not recommended by Officers.
10. A third level of charging is proposed for responses which require a specialist input. The Authority would recharge the cost of internal and external advice on reviewing prepared documents submitted by the applicant. Response would be in the form of a written report. The charge for this element of work cannot be fixed in advance but would be determined on a case by case basis depending on the resource required. However it is proposed that a fixed deposit will be required to reflect the expected extent of the work

and thereafter the developer will be invoiced once the service is complete. A deposit of £500 is proposed per topic area. Otherwise an Officer response without specialist input would be charged at £200 per hour and an appropriate charge be made for legal services.

Information Requirements

11. The provision of a service at level two and three will be conditional on the applicant making available sufficient information in advance to the CPA. Advice will be made available on the County Council website specifying the minimum requirements to engage in the pre application process. For level two the applicant will be asked to submit a range of information describing location, layout, dimensions and scale of the proposals. For level three it is anticipated that the applicant will submit draft text for review and comment.

Other Matters

Failure to engage

12. In the interests of timely decision making, the CPA will proceed to determine a valid planning application on the basis of the submitted documentation and without further discussion where an applicant has not sought pre application advice or does not follow that advice in the substance of the submission.

Environmental Impact Assessment

13. The CPA is obliged to respond to requests from developers for screening and scoping opinions under the Town and Country Planning (EIA) Regulations 2011 without charge. The pre application charging arrangements would operate in addition to the regulatory requirement for screening and scoping and EIA. The EIA screening and scoping process is not a substitute for pre application discussions.

Implementation

14. It is proposed to implement the charging arrangements described above by 15 September 2014. Information will be posted on the County Council website on the nature and requirements of the scheme. Officer training will ensure the consistent delivery of service. Administrative and business systems are to be set in place to monitor process and receive fees.
15. It is proposed to review the service at the end of the first year to assess performance and cost effectiveness. Subsequent review timelines can be established at the first review. As part of the monitoring process user feedback will be sought on the level and quality of service.

CONCLUSION

16. An effective and efficient pre application guidance procedure will be of benefit to the CPA, applicants and community by creating better quality planning applications. It is appropriate to use discretionary powers available to the CPA under the Local Government Act 2003 in order to introduce a charging scheme to finance this aspect of the Development Management service. The performance of the proposed scheme should be monitored and adjustments made as necessary.

RECOMMENDATION

17. To **APPROVE** the implementation of a pre application discussion procedure and charging scheme, as shown in Annex A to be introduced by the 15 September 2014. To be reviewed after the first year and thereafter as appropriate.

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BACKGROUND PAPERS

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

Government Guidance

National Planning Policy Framework 2012

National Planning Practice Guidance – Before submitting an application March 2014

APPENDICES

Annex A – Scale of fixed fees for first year
