

PAPER NO. 3

REPORT TO THE EXECUTIVE MEETING OF 7th NOVEMBER 2011

Status: Recommendation to Executive
Title: Assessment of impact of Charging for planning advice – interim report.
Originator: Council 24th January 2011.
Where from: Development Control Manager
Where to next: Implementation

1 Purpose of the Report

1.1 To update Members on implementation from 1st April 2011 of charging for planning advice on certain specified proposals (see Appendix A).

2 **Recommendations:**

2.1 **Continue existing charging regime.**

2.2 **Report a full review to Executive after 1st April 2012 to include recommendations on lowering thresholds at which pre-application advice is chargeable.**

3 Summary of Reasons for the Recommendations

3.1 Charges for planning advice were implemented 1st April 2011. This followed Council approval 24th January 2011. That approval required interim and full reviews at 6 and 12 month intervals respectively.

4 Impact on Communities

4.1 Providing efficient services and Value for Money.

5 Key Facts

5.1 The charging scheme is set out at Appendix A.

5.2 Section 93 of the Local Government Act 2003 permits local authorities to charge for discretionary services. These are services which local authorities provide but for which there is no statutory requirement. When charging for services, the authority is allowed to cover its costs for providing the services.

6 Legal Issues

- 6.1 Pre-application planning advice continues to be provided without prejudice to the determination of any planning application.
- 6.2 PPS1 Delivering Sustainable Development (2005) paragraph 12 states:- *'Pre-application discussions are critically important.... Local planning authorities ... should take a positive attitude towards early engagement in pre-application discussions so that formal applications can be dealt with in a more certain and speedy manner and the quality of decisions can be better assured.'*
- 6.3 The Draft National Planning Policy Framework (NPPF, July 2012) on pre-application engagement and front loading states:- *'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'*. The NPPF therefore seems most likely to maintain Government stance in favour of pre-application advice.
- 6.4 DCLG Circular 03/2009 advises unreasonable behaviour can lead to an award of costs at appeal. This includes handling of a planning application or pre-application discussions (para. B8 03/2009)

7 Resource Issues

- 7.1 The table below shows £5,700 costs recovered over five months following implementation. This is greater than the anticipated £3,750 for the 1st April – 31st August 2011 period.

Period : 1st April – 31st August 2011	
Pre-application enquiries received	272
Chargeable pre-application enquiries	16
Costs recovered	£5,700

- 7.2 Chargeable enquiries (16) amount to 5.8% of the total number (272) of pre-application enquiries.
- 7.3 As part of the 2010/11 business planning process the estimated activity costing of pre-application advice in September 2010 was £111,129. Three separate time recording exercises have been carried out by Development Control to help establish service costs.

8 Equality Impact Assessment Implications/Outcomes

- 8.1 This is an existing activity previously subject to the service EIA. That EIA raised no issues and no different outcomes have been identified by recovering costs for this activity.

9 Impact on the Organisation

- 9.1 Recovery of costs for this activity contributes to the Council provision of its development control service which it provides as part of its statutory Local Planning Authority role
- 10 Community Safety Implications
- 10.1 None.
11. Carbon Management Implications
- 11.1 None.
12. Risk Management Implications
- 12.1 See 6.5 in respect of potential costs at planning appeal for acting unreasonably including pre-application discussions.
- 13 Consultation
- 13.1 Prior to implementation the proposal was raised with the Development Control user forum. Development Control user satisfaction is monitored monthly. No adverse feedback has been received on charging for planning advice.
- 13.2 The charging regime was available on the HDC website prior to implementation and continuously since.
- 14 Options Considered
- 14.1 Do not charge for pre-application advice. If the activity were to continue on this basis it would be subsidised by the council tax payer.
- 14.2 Do not provide pre-application advice. The Council will not comply with Government planning policy (6.3 -6.4 above) and be at significant risk of costs at planning appeals (6.5 above).
- 14.3 Broaden scope of existing charging arrangements. A blanket charge on all planning advice, for example to include householder extensions and single dwellings,
- 14.4 Continue existing charging arrangements as Appendix A. See Recommendation 2.1.
- 14.5 Review thresholds at which pre-application advice is chargeable. See Recommendation 2.2.
- 15 Background Papers
- 15.1 Council 24th January 2011.
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Previous report(s): Council 24th January 2011

Information Issued Under Sensitive Issue Procedure: N

Ward Members Notified: NA

Appendices:

A. Scale of Charges

Appendix A
Scale of Charges

Scale of Charges

The scale of charges for pre-application advice for meetings and written advice is set out below

Meetings

Following the receipt of the required documentation (including fee), within 10 working days a meeting will be arranged. The fee for a meeting includes any preparation in advance and written confirmation of the advice given at the meeting. This will be provided within 10 working days of the meeting.

Proposal	Residential	Commercial	Fee per meeting (incl.VAT)
Strategic Proposal	50 dwellings or more	10,000 sq.m. floorspace	£360.00
Major Proposal	10 to 49 dwellings	1,000 to 10,000 sq.m floor space	£300.00
Minor Proposal	4 to 9 dwellings	Under 1,000 sq.m floor space and greater than 300sq.m	£180.00

Written Advice without a meeting

Where a meeting is not required, the following charges will apply to written advice. This written confirmation should be provided within 10 working days of receipt of required documentation including fee. The definitions of strategic, major and minor are as set out above.

Fees (incl.VAT)

- Strategic Proposal - £240.00
- Major Proposal - £180.00
- Minor Proposal - £120.00

No planning advice fee is required for small commercial proposals (<300 sq.m), less than 4 dwellings, solely affordable housing proposals, local community organisations, Parish, District and County Councils and householder proposals.
