

Report to: Lead Cabinet Member for Transport and Environment
Date of meeting: 19 June 2017
By: Director of Communities, Economy and Transport
Title: Planning and Environment – Pre application fees and charges
Purpose: To consider and note the proposed pre-application fees and charges for the Planning and Environment Service

RECOMMENDATIONS:

- (1) To agree to implement the proposed new and revised fees and charges within the Planning and Environment service.**
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1. Background Information

1.1 East Sussex County Council is the planning authority for all proposals for minerals and waste developments in the county (apart from within the South Downs National Park) and for the County Council's own development proposals. The County Council also performs a statutory consultee role in the planning process. This is in terms of its roles as the Highway Authority and the Lead Local Flood Authority. The Transport Development Control (TDC) team and the Flood Risk Management (FRM) team perform these roles respectively.

1.2 The Government, and in turn the County Council, strongly encourages those who are looking to submit a planning application to undertake pre-application engagement, both with the relevant planning authority and the relevant statutory consultees. The benefits of this are that the subsequent planning applications can often be determined in a timelier manner and that they often have a greater chance of being approved. In addition, the provision of pre-application advice can avoid the scenario of a prospective applicant avoiding incurring abortive costs as a result of a refused application, or submitting the incorrect information.

1.3 Councils can choose to recover the cost of pre-application work by making a charge under section 93 of the Local Government Act 2003 which permits the Council to charge for the provision of discretionary services. Although the County Council Planning Service encourages prospective applicants to seek pre-application advice, it does not currently charge for the provision of this advice.

1.4 The TDC and FRM teams currently charge for the provision of pre-application advice, although an initial free response summarising the main issues and applicable policy/guidance documents will still be provided.

1.5 Through the RPPR process, additional income from the provision of pre-application advice has been identified for 2017/18 and 2018/19. From new and revised charges, an additional income of £5,000 has been identified for 2017/18, rising to £15,000 in 2018/19.

2. Charging for pre-application advice as the County Planning Authority

2.1 Charging for pre-application advice is now common practice amongst planning authorities across the country. Over recent years, Surrey, West Sussex, Kent, the South Downs National Park Authority and Hampshire County Council's have all introduced pre-application charging for minerals and waste proposals. For a number of the pre-application enquiries received by the County Council, a willingness to pay a pre-application fee has been indicated.

2.2 Despite the above, the risk as to whether or not the imposition of pre-application charges will dissuade prospective applicants from engaging with the County Council at the pre-application stage needs to be considered. Should this happen it is likely to add to the burden and time for processing the subsequent planning applications. Experience of pre-application charging in other planning authorities has shown that the charges should not be overly excessive and the charging schedule should be as simple and transparent as possible. Such an approach is also advocated by the Planning Advisory Service.

2.3 The proposed pre-application charges have been bench-marked against other County Planning Authorities in the area and have also been based on the time recording exercises undertaken for the now terminated Agency Agreement with the South Downs National Park Authority. The charges proposed (see para 2.4 below) are generally lower when compared to the charges set in neighbouring County Planning Authority areas. The charging schedule is also considered to be simple and clear. The proposed charges

will be reviewed on an annual basis, partly to ensure that the fee is limited to cost recovery, as required under Section 93 of the Local Government Act 2003. In light of the proposed approach to be taken, it is considered that the risk of the charges dissuading engagement at the pre-application stage and/or leading to overly burdensome costs for applicants is low.

2.4 Based on pre-application enquiries received over the past couple of years, it is expected that up to 10 pre-application enquiries per annum would be subject to charges.

Proposed charge for pre-application advice on minor applications

The fee will be £240 + VAT¹ – this will include a site visit, written response and 1 meeting with the proponent (either as part of the site visit, or as a separate meeting). If further meetings are requested these will be charged at £100 + VAT per meeting.

Proposed charge for pre-application advice on major applications

The fee will be £850 + VAT – this will include a site visit, written response and 1 meeting with the proponent (either as part of the site visit, or as a separate meeting). If further meetings are requested these will be charged at £100 + VAT per meeting.

Some major development proposals are likely to require a level of pre-application input, particularly in terms of the number of meetings sought, that exceeds the standard level of provision, as set out above. In such cases, we will look to negotiate a Planning Performance Agreement with the prospective applicant, which will cover agreed timeframes for both the pre-application and application stages. In these cases, a bespoke pre-application fee will be agreed that is commensurate with the level of resource required throughout the pre-application stage.

3. Review of existing pre-application charges for Transport Development Control (TDC) and Flood Risk Management (FRM)

3.1 Both TDC and FRM have an existing charging schedule for pre-application enquiries and requests for information. The TDC team receive and respond to approximately 130 pre-application enquiries per annum. Pre-application enquiries and requests for data, received by the FRM team, have been increasing since their statutory consultee role was established (1 April 2015), and currently stands at around 50 per annum.

3.2 The existing costs charged for the pre-application service, offered by both teams, have been reviewed. In general, the majority of our costs are still appropriate, in that they do not exceed the cost of officer time in providing a pre-application service and compare favourably with costs for similar services provided by neighbouring County Councils (their charges are often in excess of East Sussex, sometimes quite significantly). However, the pre-application costs for TDC and FRM have not increased since April 2014 and April 2015 respectively. It is therefore considered appropriate to increase these charges to reflect inflationary rises since April 2014.

3.3 Beyond the aforementioned increases, changes are proposed to the cost of providing pre-application advice from the TDC team for smaller-scale development proposals and the provision of additional written responses for all types of development. The analysis of the time and cost incurred by the TDC team in providing such advice has shown that the costs significantly exceed the charge applied. The provision of additional written responses often require the need to analyse and appraise amended plans, proposals, statements, reports and/or modelling before a response is even prepared. The larger the scheme, the more complex and detailed this analysis and appraisal has to be.

3.4 Consideration has been given to the risk of the increased charges deterring prospective applicants undertaking pre-application engagement. The proposed charges only represent a fraction of the applicants cost of preparing the relevant transport/flood risk evidence to support their application (and an even smaller overall proportion of the total cost of the application). In addition, feedback from developers, agents and applicants has often raised the importance they attach to constructive pre-application engagement with statutory consultees. In turn, there is now a general acceptance of charges being applied that seek cost-recovery. Given this, and the fact that the proposed increases are generally not that significant, the risk of these proposed charges deterring pre-application engagement is considered low.

3.5 The current and proposed pre-application charging schedule for the TDC team is outlined in the table below.

¹ VAT will be charged on all the proposed pre-application fees. This is in accordance with advice from HMRC and is due to the provision of a pre-application advice service being discretionary, rather than as a statutory duty.

Number of dwellings:	Commercial and retail area:	Single meeting plus written response:		Additional written response only:	
		Current	Proposed	Current	Proposed
Up to 10	Up to 250m ²	£125 plus VAT	£200 plus VAT	£100 plus VAT	£150 plus VAT
11 – 30	251m ² – 1000m ²	£400 plus VAT	£420 plus VAT	£200 plus VAT	£300 plus VAT
31 - 50	1001m ² – 2000m ²	£800 plus VAT	£840 plus VAT	£400 plus VAT	£600 plus VAT
51 – 80	2001m ² – 5000m ²	£1200 plus VAT	£1280 plus VAT	£600 plus VAT	£950 plus VAT
81 - 199	5001m ² or more	£2000 plus VAT	£2100 plus VAT	£1000 plus VAT	£1500 plus VAT
200+			£3000 plus VAT		£2500 plus VAT

3.6 For the FRM team, a checking service (reviewing data held by the Lead Local Flood Authority relevant to the management of local flood risk) is currently undertaken at a cost of £100 + VAT. It is proposed that this will increase to **£105 + VAT**. All other requests for advice, meetings or correspondence are currently chargeable at a rate of £85/hour plus VAT. It is proposed that this will increase to **£90/hour + VAT**.

4. Other fees and charges considered

4.1 Part of the remit of the FRM team is to determine applications for Ordinary Watercourse Consent (OWC). Around 25 to 30 of these applications are received each year and a fee of £50 per application is charged. In almost all instances, this fee is not sufficient to cover the cost of processing the application. Consideration was given to increasing these fees, but at this stage it has been ruled out. In part, this is because the LGA and ADEPT are undertaking a research project to assess the costs of processing OWC's. The intention is to submit the evidence collected to DEFRA in order to support a change to the charging structure at a national level.

5. Conclusion and reasons for recommendations

5.1 The proposed new and revised charges are considered to strike the right balance between enabling the County Council to recover a greater proportion of costs for providing discretionary services, and having fees and charges that do not dissuade engagement with our statutory consultees. It is therefore recommended that Lead Cabinet Member for Transport and Environment agrees to implement the proposed new and revised fees and charges within the Planning and Environment service.

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LOCAL MEMBERS:

All

BACKGROUND DOCUMENTS:

None