



Open Report on behalf of Andy Gutherson, Executive Director – Place

Report to:	Environment and Economy Scrutiny Committee
Date:	20 October 2020
Subject:	Introducing a Charging Policy for Pre-application Planning Advice

Summary:

This report seeks Committee support for introducing a charging policy for the Planning Services team when providing pre-application advice to prospective applicants/developers.

Actions Required:

The Environment and Economy Scrutiny Committee is asked to:

1. Consider and comment on the proposed approach for the suggested levels of advice for different types of application, and the proposed costs for each of the different levels of advice.
2. Endorse the development and setting up of a formal charging regime for giving pre-application planning advice for minerals, waste and the County Councils own application based on the proposed Charging Schedule and exemptions as set out in Appendix A, to take effect from April 2021.
3. Recommend that the Head of Planning review the Charging Schedule after a minimum of 12 months from its implementation.

1. Background

- 1.1 The Council receives a wide range and number of pre-application enquiries from developers each year and currently pre-application advice is provided by officers free of charge. The time spent by officers and the information provided to developers when responding to these requests varies depending on the size and type of development proposed and the complexity and planning issues that might need to be considered. For example, for simple proposals the advice given might be limited to advising whether or not planning permission is required whereas for larger scale development officers could provide more detailed and specialist written advice and attend site meetings.

- 1.2 Under Section 93 of the Local Government Act 2003, the Council has the power to charge for providing discretionary services such as pre-application advice provided it is on a not-for-profit basis. Any fees charged for providing pre-application advice can therefore be set at a scale that covers the costs incurred in providing that service but should not be so excessive that they discourage prospective applicants from seeking such advice. Most mineral and waste planning authorities within the East Midlands region have already adopted and operate a chargeable pre-application advice service and so Lincolnshire County Council is one of the last remaining authorities to have such a scheme in place. It is therefore proposed to introduce a scheme as this would not only reflect the service offered by other authorities but also present an opportunity to improve the quality and consistency of the advice given to developers which in turn will help to ensure the submission of better quality applications and planning decisions.
- 1.3 In developing a pre-application charging scheme for Lincolnshire, consideration has been given to a number of sources including:
- Research and reference to pre-application best practice guidelines (including charging) produced by Central Government and the Planning Advisory Service;
 - Reviewing the pre-application offer and fee charging arrangements of other Councils including other mineral and waste planning authorities within the East Midlands region (e.g. Derbyshire County Council, Nottinghamshire County Council, Rutland County Council, etc);
 - A consideration of the different types of request received and duration of the tasks performed by officers when giving pre-application advice in order to determine the amount of officer time spent;
 - Taking into account the charging policy and agreed fee rate recently adopted by Planning Services for carrying out work associated with Planning Performance Agreements.

Proposed Charging Scheme

- 1.4 Having reviewed the above it is clear that this is a no one-size fits all approach or model that is used when establishing a chargeable pre-application service. Instead Local Planning Authorities are encouraged to take a flexible, tailored and timely approach to the service they offer, which is appropriate to the nature and scale of a development proposed. Various different approaches and charging models have therefore been by adopted by other authorities which have been tailored to the type of service they wish to offer. For example, some authorities have set fees based on a percentage of the statutory planning application fee or by using different "per hour" rates depending on level/seniority of the officer giving the pre-application advice. In other cases different packages or levels of service might be offered depending upon the type or size of development and the form of advice provided (e.g. written note, meeting, etc).

- 1.5 For Lincolnshire it is suggested that any charging scheme introduced should be structured, clear and easy to understand whilst also allowing some scope for extension or amendment if additional advice is required. The preferred charging scheme is therefore suggested to be based on four main categories reflecting the different type and scale of developments typically dealt with by Planning Services (i.e. Significant, Large, Medium and Small). The scheme would however also make clear that certain forms of development and advice would be exempt from the charge such as those simply seeking confirmation that planning permission is required or where a proposal relates to the need of people with disabilities.
- 1.6 Prospective applicants would receive pre-application advice in the form of either a site meeting and written advice or written advice only dependant on the development category. This advice would (where required) include officers from other service areas and specialisms within the Places Directorate including minerals and waste policy, archaeology and the historic environment and the highways and floods teams. The recommended applicable fee for each development category is calculated based on a rate of £55 per hour reflecting the amount of time required for the officers to attend and provide the level of advice offered (e.g. cover any planning background review, constraints checks, travel time to attend meetings and production of final written advice). This rate is the same as that which has recently been adopted for work associated with Planning Performance Agreements..
- 1.7 Where additional advice or subsequent meetings are requested outside the normal offer, this would be charged at the same hourly rate. This approach would not only aid the calculation of fees but also make it easier for prospective applicants to understand the costs involved and what they can expect from the service.
- 1.8 A copy of the proposed charging scheme, the fee chargeable for each category and list of exemptions can be found in Appendix A.

2. Conclusion

- 2.1 The Committee is asked to support the development and setting up of a formal charging regime for giving pre-application planning advice based on the proposed fee schedule set out in Appendix A. The Council cannot make a profit from the introduction of the proposed charging regime but rather only cover costs of the advice being provided. The proposed level of fees are therefore calculated on the basis of comparing the costs charged by other mineral and waste planning authorities operating within the East Midlands region and takes into account the cost of Officer's time in undertaking such work.
- 2.2 There is no statutory requirement to provide a public consultation period prior to the introduction of any charges, nevertheless, it is recommended that a notice be placed on the Council's website at least four weeks prior

to the start date. It is proposed that the fee charging takes effect from April 2021.

3.3 The Committee is therefore asked to:

- Consider and comment on the proposed approach for the suggested different levels of advice for different types of application, and the proposed costs for each of the different levels of advice; and,
- Endorse the development and setting up of a formal charging regime for giving pre-application planning advice for minerals, waste and the County Councils own application based on the proposed Charging Schedule and exemptions as set out in Appendix A, to take effect from April 2021.

3. Consultation

a) Have Risks and Impact Analysis been carried out?

N/A

b) Risks and Impact Analysis

Risk that applicants may be put off seeking advice before submitting applications.

The quality of applications received will improve as applicants will have clarity about what information is required. This will help reduce the need to seek further information once submitted and therefore reduce the time taken to process applications or refusals due to insufficient or poor quality submissions.

The fees charged will help recover the costs for time that is currently spent by Officers in giving this advice for free.

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Proposed Charging Schedule

5. Background Papers

Document title	Where the document can be viewed
Local Government Act 2003	www.legislation.gov.uk
Planning Practice Guidance 'Before submitting an application' (MHCLG, 2014)	www.gov.uk/government/collections/planning-practice-guidance
Pre-application Suite by the Planning Advisory Service	www.local.gov.uk/pas/pas-topics/planning-applications/pre-application-suite

Document title	Where the document can be viewed
Environment & Economy Scrutiny Committee Paper dated 14 January 2020 "Introducing a Charging Policy for Archaeology Advice and Planning Services"	https://lincolnshire.moderngov.co.uk/documents/s31067/7.0%20Charging%20Policy%20for%20Archaeology%20Advice%20and%20Planning%20Services.pdf

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Appendix A – Proposed Pre-application Advice Charging Schedule

Category	Type of development	Level of advice	Fee
Significant	<p>All new quarries, oil and gas sites or landfill sites.</p> <p>Any change or extension to an existing quarry, oil and gas site or landfill site* where extraction/disposal exceeds 50,000 tonnes per annum or sites over 5 hectares.</p> <p>All new waste management facilities processing in excess of 50,000 tonnes per annum or any change or extension to an existing facility of 5 hectares or more.</p> <p>Any development involving the creation or change of use of 2,000sq.m or more floorspace or sites over 5 hectares.</p> <p>Any hazardous waste management facility processing over 5,000 tonnes per annum.</p>	Site meeting and written advice	£770 +VAT (up to 10 hours)
Large	<p>Any change or extension to an existing quarry, oil and gas site or landfill site* where extraction/disposal is between 25,000 and 50,000 tonnes per annum or sites over 2 hectares (but less than 5 hectares).</p> <p>All new waste management facilities processing between 25,000 and 50,000 tonnes per annum or any change or extension to an existing facility on sites over 2 hectares (but less than 5 hectares).</p> <p>Any development involving the creation or change of use of between 1,000sq.m and 2,000sq.m or more floorspace or sites in excess of 2 hectare (but less than 5 hectares).</p>	Site meeting and written advice	£660 +VAT (up to 8 hours)

Category	Type of development	Level of advice	Fee
Medium	<p>Any change or extension to an existing quarry, oil and gas site or landfill site* where extraction/disposal is between 5,000 and 25,000 tonnes per annum or sites over 1 hectare (but less than 2 hectares).</p> <p>Any new waste management facilities processing between 5,000 and 25,000 tonnes per annum or any change or extension to an existing facility on sites over 1 hectare (but less than 2 hectares).</p> <p>Any development involving the creation or change of use of floorspace between 500sq.m and 1,000sq.m or sites over 1 hectare (but less than 2 hectares).</p>	Site meeting and written advice	£550 +VAT (up to 6 hours)
Smaller	<p>Any minerals and waste development not falling within the Significant, Large or Medium categories.</p> <p>Any development involving the creation or change of use of floorspace less than 500sq.m or sites less than 1 hectare.</p>	Written advice only	£310+VAT (up to 4 hours)
Other	<p>Confirmation as to whether or not planning permission is required.</p> <p>Any proposal for which there is no planning fee (e.g. Listed Building Consent).</p> <p>Any proposal relating to the needs of people with disabilities.</p>	Written advice only	Free

*Includes a lateral extension, deepening or increase in void space or life of the site or any Section 73 application to vary or amend conditions

The above fees include the amount of officer time that would be required to provide the level of advice identified including planning background review, constraints checks, travel time to attend meetings and production of final written advice.

Where additional advice or subsequent meetings are requested outside the normal offer, this would be charged at an hourly rate of £55 per hour (+VAT). Planning Performance Agreements are also subject of a separate fee.

