

## REPORT OF DIRECTOR OF PLANNING

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### SUBJECT: PRE-APPLICATION FEES AND CHARGING

Purpose of Report: To highlight to members the requirements for a statutory pre-application service as required by Welsh Government and to recommend the ceasing of the current informal pre-application service from 1 April 2016.

Background:

The Planning (Wales) Act 2015 has made significant changes to the planning system in Wales. For these changes to become operational there was the requirement for subordinate legislation to be laid before the National Assembly for Wales, and which comes into force on 16 March 2016.

In brief, the changes covered:

- Development management Procedures
- Permitted Development and Use Classes – Housing in Multiple occupation
- Enforcement
- Environmental Impact Assessment Regulations

This report only covers a small element of the Development Management Procedures – the pre-application service. The Welsh government plans to provide a 'Development management manual' in March to coincide with the coming into force of the above legislation.

Members will recollect that the NPA meeting of 25 January 2016, the Wales Audit Office reported 'Delivering with Less: Planning Services'. The recommendation P4 of this report was '*Review the Authority's position on charging for the provision of some planning services to ensure opportunities for income generation are not lost.*'

One of the areas identified by the Wales Audit Office as providing an income stream was the charging for the pre-application service. The Director of Planning noted at the time that with the forthcoming changes in the development management procedures, and the requirement for a statutory pre-application service it would be appropriate to consider charging in collaboration with Pembrokeshire County Council in the near future – hence this report.

Policy considerations

The PCNPA currently provides a pre-application service – with no charge. The current service endeavours to provide a substantive response within 30 days. This

service is advertised on the PCNPA website. There is also a free duty-officer meeting facility too (operating on Thursdays only).

The pre-application service is well used with 457 applications received in 2013, 510 in 2014 and 465 in 2015. Apart from applicants and agents using and valuing this service, officers are of the opinion that it provides a useful opportunity to influence design and address policy issues early on in the development process prior to applicant's spending substantial sums on architects and agents. Members and officers have been reluctant to bring in a charging regime which would dissuade people from using the service.

The Welsh Government's proposed charging regime\* is:

Householder	£25
Minor	£250
Major	£600
Large Major	£1000

\*see appendix one for further details

There is a requirement to charge, and a requirement to provide a minimum level of statutory service.

The Regulations state that the minimum level of service required for a householder pre-application is:

- A substantive response within 21 days, unless an extension of time is agreed.
- The relevant planning history
- Relevant development plan policies
- Relevant supplementary planning guidance
- Any other material planning considerations
- An initial assessment of the proposed development, based on the information above.

We would also endeavour at this stage to outline the minimum requirements necessary to validate a planning application (eg supporting evidence, surveys required etc).

For all other categories of pre-application the above is required, plus:

- Section 106 contributions sought and expected
- Community Infrastructure levy (if any) requirements.

There is no statutory charge for other types of development subject to separate approval regimes such as listed building consent.

The Welsh Government intends to monitor the pre-application process and all Local Planning Authorities will need to submit information on this service within the Quarterly Development Management returns. This requirement includes the

provision of the statutory service, the retention of records of the service and publication on the LPAs website of the service and fees payable.

### Financial considerations

There is clearly the opportunity for an income for this service. (As a very rough estimate, 400 pre-applications at the basic householder level of £25 would bring in an income of £10,000). However, it is worth noting from anecdotal evidence elsewhere in Wales that charging can reduce the take-up pre-application advice.

Officers are keen to ensure that there is some consistency of service throughout Pembrokeshire and to this end officers from both local planning authorities have met to attempt to shape a service which is comparable across both boundaries.

It will be necessary to withdraw the current free non-statutory pre-application service which would otherwise inevitably lead to the statutory service not being used and the Authority again being criticised for not seeking to attract income on these services. It would be appropriate to give applicants some notice and lead in time to make adjustments and recognise the new requirement for a fee to be paid.

We understand that there is no VAT payable on this statutory service.

### Risk considerations

The provision of a pre-application service is statutory and therefore has to be provided. The payment of a fee brings with it a responsibility to ensure that there is a high quality response presented in a timely manner to the applicant. Responding outside of the 21 days or agreed timescale would bring with it the argument to refund the fee. At present with fewer staff there has been a focus on the delivery of planning application decisions. The existing pre-application service has a 30 day target response time. The Regulations will place a further pressure on staff to deliver within a reduced response timescale. Extensions of time can be agreed with the applicant and it will probably be necessary to do this when external consultees are requested to provide information for a response.

### Equality considerations

There is no major change to the service apart from the fee requirement. The service can be delivered bi-lingually and will comply with the Welsh Language Standards.

### Conclusion

That the Welsh Government is making it mandatory to have a minimal statutory pre-application service which is proposed should be charged for and which comes into force on 16 March 2016. Therefore now is the time to require a fee from pre-application enquiries and withdraw the Authority's free pre-application service.

## Recommendation

- a. That the Authority adopts a charging policy for statutory pre-application advice as set out in Welsh Government guidance.**
- b. That this fee is required on pre-application enquiries as from 16 March 2016 in accord with Welsh Government's service requirements**
- c. That the Authority discontinues its free pre-application service as of 1 April 2016**

## Background Documents

*For further information, please contact Jane Gibson, Andrew Richards*

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## Householder fee is £25

### PART 2

#### Fees in Respect of Requests for Pre-Application Services

##### *Category of proposed development, Fee Payable*

#### 1. The erection of dwellinghouses

##### (a) Where—

- (i) the number of dwellinghouses to be created by the proposed development is one to nine, £250,
- (ii) the number of dwellinghouses to be created by the proposed development is 10 to 24, £600,
- (iii) the number of dwellinghouses to be created by the proposed development exceeds 24, £1,000;

##### (b) where the number of dwellinghouses to be created is not known and—

- (i) the proposed site area does not exceed 0.49 hectares, £250,
- (ii) the proposed site area is 0.5 to 0.99 hectares, £600,
- (iii) the proposed site area exceeds 0.99 hectares, £1,000.

#### 2. The erection of buildings (other than dwellinghouses)

##### (a) Where—

- (i) the area of the gross floor space to be created by the proposed development does not exceed 999 square metres, £250,
- (ii) the area of the gross floor space to be created by the proposed development is 1,000 to 1,999 square metres, £600,
- (iii) the area of the gross floor space to be created by the proposed development exceeds 1,999 square metres, £1,000;

##### (b) where the gross floor space to be created by the proposed development is not known and—

- (i) the proposed site area does not exceed 0.49 hectares, £250,
- (ii) the proposed site area is 0.5 to 0.99 hectares, £600,
- (iii) the proposed site area exceeds 0.99 hectares, £1,000.

#### 3. The making of a material change in the use of a building or land

##### (a) Where the request for pre-application services

relates to a proposed application for permission for a material change in the use of a building and—

- (i) the area of the gross floor space of the proposed development does not exceed 999 square metres, £250,
- (ii) where the area of the gross floor space of the proposed development is 1,000 to 1,999 square metres, £600,
- (iii) where the area of the gross floor space of the proposed development exceeds 1,999 square metres, £1,000;

##### (b) where the request for pre-application services relates to a proposed application for permission for a

material change in the use of land and—

- (i) the site area does not exceed 0.49 hectares, £250,
- (ii) the site area is 0.5 to 0.99 hectares, £600,
- (iii) the site area exceeds 0.99 hectares, £1,000.

#### 4. The winning and working of minerals or the use of land for mineralworking deposits(1) £600.

#### 5. Waste development £600.