

CYNGOR SIR POWYS COUNTY COUNCIL.

REPORT

**For Delegated Decision by County Councillor Rosemarie Harris,
Portfolio Holder for Regeneration & Planning**

Date:

**REPORT AUTHOR: Gwilym Davies, Professional Lead – Development
Management**

SUBJECT: Charging for Pre Planning Application Advice

REPORT FOR: Decision

1. Summary

- 1.1 Development Management devotes considerable time and effort to offering pre planning application advice, seeing it as a key part of delivering a good planning service. It is not mandatory to seek advice prior to the submission of a planning application, nor is it a statutory requirement for the local planning authority to provide pre application advice.
- 1.2 The Local Government Act 2003 provides local authorities with the ability to charge for pre planning application advice. There are currently no fees or charges levied for the provision of this service to customers of Development Management.
- 1.3 This report seeks approval to introduce a charging schedule for the provision of pre planning application advice.
- 1.4 The introduction of a charge for the provision of pre planning application advice will ensure that at least some of the cost of providing the service is recovered.
- 1.5 It is recommended that delegated authority is given to the Head of Regeneration, Property and Commissioning to withdraw or amend the pre planning application advice service. This is to enable flexibility to adapt to changing circumstances and to comply with the Council's duty under the Local Government Act 2003 to ensure that the income from charges does not exceed the cost of provision.
- 1.6 It is suggested that a review of the pre planning application advice service be undertaken after twelve months of service provision.

2. Proposal

- 2.1 The continued cuts in funding for public services have had an impact on the Council's annual budget and ability to deliver services. Powys has received the lowest annual settlement from the Welsh Government for five years in succession with a 4.5% cut for 2014/2015.
- 2.2 Development Management devotes considerable time and effort to offering a pre application advice service, seeing it as a key part of delivering a good planning service. However, it is not a statutory requirement for the local planning authority to provide pre planning application advice.
- 2.3 The pre planning application advice service normally takes the following form:
- Identification of key planning policies.
 - Identification of key constraints.
 - Consultation responses from other Council services.
 - Identification of additional information/studies/surveys/reports likely to be required with the application.
 - Provision of information regarding potential planning obligations (Section 106 Legal Agreement).
 - An informal opinion of the likely outcome of the proposal.
- 2.4 The provision of a pre planning application advice service has the following principal benefits:
- It will identify those schemes which have little or no realistic chance of getting planning permission and highlight the 'show stopping' issues.
 - It will set out key issues that the proposed development will need to address.
 - It gives developers an opportunity to understand how policies will be applied.
 - It will potentially help to resolve any issues before the application is submitted thus making the process of getting planning permission smoother.
 - It will start to establish a working relationship with planning officers and other Council officers who will be involved in processing the application.
 - It will improve certainty for users of the planning system.
- 2.5 In 2013, Development Management received over 1,500 pre application requests for advice. Currently the Authority provides this service for free.

- 2.6 A recent Welsh Government study has identified that providing pre application planning advice takes up approximately 9% of planning officer time (Welsh Assembly Government - Study to Examine the Planning Application Process in Wales, 2010). This does not include the time allocated to pre application advice from planning technicians, planning clerks and other Council services.
- 2.7 As a result of cuts to the Council's budget, providing this discretionary pre planning application service with a reduced Development Management resource for free is starting to become unsustainable. Development management aims to follow other Council Departments and introduce charges for services previously provided for free as part of austerity measures.
- 2.8 In order to recover at least some of the cost of providing this discretionary service, the implementation of the charging schedule outlined in Appendix 1 is recommended. Please note that the Medium Term Financial Plan has specified an income of £30,000 against the introduction of pre planning advice for businesses.
- 2.9 Concern is expected from some residents/agents/developers regarding the introduction of charging. Although this is an important consideration the following evidence supports persevering with the introduction:
- At a recent Agents Forum meeting, the topic of charging for pre-application advice was discussed and agents were generally supportive of pre application charging. Agents noted that a number of neighbouring local authorities have been charging for this service for some time.
 - A Planning Advisory Service study into this issue reports: "Significantly, consultants report that clients are rarely if ever bothered by the charges; seeing these as a marginal addition to their development costs and a worthwhile investment if they help build up a working relationship with the local authority" (Planning Advisory Service. A material world: Charging for pre application advice).
 - In the recent report entitled 'Feedback Report on the 2014/2015 budget proposal discussions and engagement with the public: February 2014', charging for pre application advice was one of the proposals which attracted support from members of the public.

3. Powys Change Plan

The Council's pre planning application advice service needs to be delivered efficiently and effectively for residents and businesses. There are clear links with the Council's improvement priorities in relation to Council.

The proposal is consistent with the aspirations of the Powys Change Plan.

4. Options Considered/Available

Option 1:

To agree the attached charging schedule set out in Appendix 1 of this report. This will enable the Authority to recover at least some of the cost of providing the pre application planning advice service. Potential disadvantages include discouraging development in Powys.

That delegated authority be given to the Head of Regeneration, Property and Commissioning to withdraw or amend the pre planning application advice service in order to provide service flexibility and to comply with the Council's duty under the Local Government Act 2003 to ensure that the income from the service does not exceed the cost of provision.

Option 2:

Stop providing a pre planning application advice service and thereby make a saving in the use of limited staff resources. This would result in a poorer quality service to our customers, poorer quality applications and poorer quality developments.

Option 3:

Continue as existing. This option will not address the financial constraints faced by Development Management.

Option 4:

Set a different charging schedule to that set out in Appendix 1 of this report. This will enable the Authority to recover at least some of the cost of providing the pre application planning advice service. Potential disadvantages include discouraging development in Powys.

Amend the sought delegation to the Head of Regeneration, Property and Commissioning to withdraw or amend the service.

5. Preferred Choice and Reasons

Option 1:

To agree the attached charging schedule set out in Appendix 1 of this report with immediate effect. This will enable the Authority to recover at least some of the cost of providing the pre-application planning advice service. Potential disadvantages include discouraging developers from investing in Powys.

That delegated authority be given to the Head of Regeneration, Property and Commissioning to withdraw or amend the pre planning application advice

service in order to provide service flexibility and to comply with the Council's duty under the Local Government Act 2003 to ensure that the income from the service does not exceed the cost of provision.

6. Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc

Planning applications have the potential to have significant environmental and social impacts. The recommended course of action seeks to ensure that the process around the Council's involvement in such matters is sound.

7. Children and Young People's Impact Statement - Safeguarding and Wellbeing

It is considered that the proposals have limited, if any impact in this regard.

8. Local Member(s)

The pre application service will be implemented across the county. The proposal will therefore not have a particular effect on one or some electoral divisions.

9 Other Front Line Services

There are not considered to be any implications beyond those that already exist.

10. Support Services (Legal, Finance, HR, ICT, BPU)

The Service Accountant commented: The charging for pre-planning application advice will help the Authority reach savings targets within the medium term financial plan. It is important, however, to ensure that the cost of administering the scheme does not outweigh the benefits received.

Principal Solicitor (Planning): Legal have been consulted and confirm that the report is in compliance with the legislative frame work.

11. Local Service Board/Partnerships/Stakeholders etc

There are not considered to be any implications in this respect.

12. Communications

Communications Manager: The report is of interest to service users and public and requires a proactive news release post decision.

13. Statutory Officers

The Strategic Director, Resources (Section 151 Officer) notes the comments made by the Service Accountant and the contribution this will make to the financial position.

The Solicitor to the Council (Monitoring Officer) has commented as follows: "I note the legal comment and have nothing to add to the report".

14. Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Portfolio Holder has an interest she should declare it, complete the relevant notification form, and refer the report to Cabinet for a decision.

Recommendation:	Reason for Recommendation:
1. That the charging schedule set out in Appendix 1 of this report be adopted (Option 1).	To enable the Authority to recover some of the cost of providing the pre application planning application advice service.
2. That delegated authority is given to the Head of Regeneration, Property and Commissioning to withdraw or amend the pre planning application advice service (Option 1).	To provide service flexibility.
3. That delegated authority is given to the Head of Regeneration, Property and Commissioning to withdraw or amend the pre planning application advice service (Option 1).	To comply with the Council's duty under the Local Government Act 2003 to ensure that the income from the service does not exceed the cost of provision.

Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	All
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Person(s) To Implement Decision:	Professional Lead - Development Management
Date By When Decision To Be Implemented:	By August 2014

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Background Papers used to prepare Report: