

TITLE: Changes to Planning Pre-Application Advice Charges

Committee: Operational Services

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1.0 Issue

- 1.1. To consider the below changes to the Planning Pre-Application advice charges following the recent Planning Review and Audit recommendation.

2.0 Recommendations

- 2.1. That the Committee approve
 - i. The new fees and charges for the Planning Service, with effect from 1st July 2024
 - ii. Review of the pre-application fees and charges annually in line with the Council wide annual fees and charges budget setting process.

3.0 Background/Options

- 3.1. The Council has operated a pre-application advice service for a number of years and following the recent planning review and changes to the planning review, audit recommendation and changes to the planning system, including the removal of the “Free Go” provisions, the necessity to have a well-formed and complete planning application ahead of formal submission will enable higher quality and timely decisions.
- 3.2. The Council has also recently introduced the negotiation protocol which sets and clarifies expectations as to when it is appropriate for negotiation within the planning process. This protocol is likely to generate increased use of the Councils pre-application advice service, because incomplete or ill thought out schemes will be refused without further consideration. Therefore, agents and applicants will want to avoid the need to apply more than once with the subsequent costs (and damage to their own reputation) which are associated with this.
- 3.3. The review of the charges has centred around offering a more customer focused and also commercial service ensuring that the charges are commensurate with neighbouring authorities. The levels of charging proposed will allow for the Planning Service to be able to be resourced appropriately and when larger pre-apps and/or Planning Performance Agreements signed to be able to backfill as and when required without affecting budgets.

- 3.4. It should be noted that pre-application advice whilst a vital part of the planning system is not a statutory function and therefore it is at the discretion of the Local Planning Authority to offer such a service. It is however noted that such a function is a vital service to offer, and helps the authority meet its duty to work with applicants in a positive and proactive manner. We need to be able to evidence that we have done this when we are making decisions. It has been clarified within recent appeal decisions that this duty is not confined to the planning application process and in fact that pre-application discussions are the appropriate forum to have such negotiations.
- 3.5. The most notable changes within the fee structure going forwards are as follows.
- a) The introduction of an hourly cap to ensure that whilst good value is offered to customers, the Council does not provide an open ended service to the detriment of its core work and its residents.
 - b) The introduction of bolt on elements so that customers can customise the service that they want according to their needs.
 - c) A wider range of development types so that we can accurately record what types of advice we are giving and also more accurately review going forwards what elements of the service are popular with customers and which are underutilised.
 - d) The introduction of a fee for the submission of applications that are not using the planning portal. This is to compensate for the significant additional work that these cause to the admin team with respect to scanning and uploading documents and to try to encourage modal shift towards the portal. It should be noted that the portal charges a similar fee for its services, so customers are not being disadvantaged financially. The aim for such a charge is to encourage modal shift towards the portal to free up validation team time to increase capacity within the department rather than a fee generating exercise.
 - e) The introduction of fees that enable other support services such as CIL and BNG/Ecology to recover costs when giving advice which is of benefit to applicants.
 - f) A move towards a more formalised Planning Performance Agreement (PPA) framework for the larger schemes where bespoke charging schedules will be used to allow for proper resourcing of those matters. This element is at the early stages and will be formalised at a later date. A PPA is a service level agreement/contract in respect to the progress of a project from pre-application stage to formal determination and can often involve the procurement of external contractors or reports. All of these would be paid for up front with agreed timescales and milestones. It is important to note that such an agreement does not guarantee the granting of planning permission but a level of resource to ensure a timely decision.

4.0 Conclusions

- 4.1. The Councils current pre-application charging schedule is out of date, and no longer reflects the market and our neighbouring authorities. There is a need to modernise this whilst keeping a firm "Open for Business" ethos and it is considered the charges as proposed achieve this balance whilst enabling the service to be resourced properly with no further impact on Council budgets.

5.0 Additional Implications Assessment

5.1 In the table below, please put Yes or No in each box:

Financial Implications Yes	Legal Implications No	Human Resources (HR) Implications No
Equality Impact Assessment (EIA) No	Carbon Impact Assessment (CIA) No	Data Protection Impact Assessment (DPIA) No

5.2 The review of the fees and charging regime will ensure that costs are fully recovered for the discretionary pre-planning advice we provide.

6.0 Appendices

Appendix 1 – Proposed Fee Schedule July 2024

7.0 Background documents

Current Fee Schedule

