

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

7 JUNE 2016

### REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

#### PROPOSED STATUTORY AND NON-STATUTORY PRE-APPLICATION ADVICE CHARGING REGIME

##### 1. Purpose of Report

- 1.1 For Cabinet to consider the report and approve the adoption of an updated non-statutory pre-application advice charging regime from Monday 13<sup>th</sup> June, 2016.
- 1.2 A member workshop session on the new Development Management procedures was undertaken before the Planning Committee meeting on 31<sup>st</sup> March, 2016 which included a summary of the Welsh Government's (WG) proposals for a statutory pre-application advice service that came into force on 16<sup>th</sup> March, 2016.

##### 2. Connection to Corporate Improvement Plan / Other Corporate Priorities

- 2.1 The changes to the development management procedures (insofar as they relate to pre-application advice services provided by Local Planning Authorities (LPAs)) apply to all Welsh Local Planning Authorities as part of the Welsh Government's wider positive planning programme.
- 2.2 The delivery of the County Borough's statutory planning function has links to the Council's Corporate Priorities in particular number 1: *Supporting a Successful Economy*.

##### 3. Background

- 3.1 Bridgend CBC has operated a system of charging for pre-application advice since April 2011 (see existing pre-application guidance note at Appendix 1).
- 3.2 The Planning (Wales) Act 2015 (6<sup>th</sup> July, 2015) introduced new pre-application processes that will be key to the delivery of effective frontloading of applications. More specifically, Section 18 of the Act (see Appendix 2) introduced a new statutory requirement for LPAs to provide pre-application services to applicants.
- 3.3 The regulations have set a standard, national fee for the purposes of the statutory pre-application service and this came into force on 16<sup>th</sup> March, 2016 under Parts 1 and 2 of the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016.
- 3.4 Any additional written advice from, or meetings with, LPAs regarding a pre-application enquiry will not form part of the statutory (basic level) service. However, the Welsh Government are actively encouraging LPAs to provide a more comprehensive pre-application service over and above the statutory minimum and recognise that this may be subject to a discretionary charge under section 93 of the Local Government Act 2003.

- 3.5 A Development Control Member Workshop Session was undertaken on 22<sup>nd</sup> January, 2016 which included a summary of the proposed changes and a discussion on the proposed charging regime for the Council's non-statutory service. The workshop explored charging levels, the expected response times, in-house specialist advice and exceptions to charging.
- 3.6 The Welsh Government's Statutory Pre-Application Advice Service specifies that developers must submit a completed pre-application advice enquiry form containing information on their proposal to enable a response from the LPA. As a minimum they will be required to provide:
- Name, address and contact details
  - Description of the proposal (inc. an indication of increase in floor space, and/or number of new units proposed)
  - Site Address
  - Location Plan
  - Fee
- 3.7 The fees that will be levied for the statutory pre-application service are the same across Wales, although they vary depending on the size and scale of the proposed development as follows:
- Householder - £25
  - Minor development - £250
  - Major development - £600
  - Large major development - £1000
- 3.8 The regulations require LPAs to provide a **written response** to all valid pre-application enquiries within 21 days, unless an extension of time is agreed between the authority and applicant.
- 3.9 As a minimum, applicants for householder developments should expect to receive the following information within their written response:
- The relevant planning history of the site
  - The relevant development plan policies against which the development proposal will be assessed
  - Relevant supplementary planning guidance (i.e. design, conservation etc.)
  - Any other material planning considerations
  - An initial assessment of the proposed development
- 3.10 For all other development proposals, applicants will receive all the information outlined above, as well as advice as to whether any Section 106 or Community Infrastructure Levy contributions are likely to be sought and an indication of the scope and amount of these contributions. Without payment of the appropriate fee, the LPA will be under no obligation to accept and process a pre-application enquiry form.
- 3.11 The WG Planning Division has informed LPAs that they will collect information and statistics on the number of enquiries received and the time authorities take to respond to enquiries submitted through the statutory procedure through the

Development Management Quarterly Survey from the end of March 2016. However, the LPAs performance in terms of response times to enquiries through the non-statutory service will not be measured by the WG.

- 3.12 The BCBC Pre-Application Advice Guidance Note will be updated to differentiate between the statutory and non-statutory streams of pre-application advice and will be uploaded onto the Council's website with a link to the Welsh Government's statutory service and form.
- 3.13 An informal consultation exercise with local planning agents was undertaken in February 2016 to advise them of the statutory and non-statutory proposals for pre-application advice procedures and charging levels. No comments were received. However, once Cabinet has approved the proposed pre-application advice procedures, local planning agents will be notified of the expected implementation date of 13<sup>th</sup> June, 2016.

#### **4.1 Current Situation**

- 4.1 As the Council's pre-application advice guidance note and pre-application enquiry form have not been reviewed since 2011 and Planning application fees were increased by approximately 15% from 1<sup>st</sup> October 2015, it is proposed to update our guidance and charging regime to include the basic (statutory) level of service, as required by the Welsh Government, as well as our own charges for a bespoke/comprehensive (non-statutory) level of service.
- 4.2 The main changes to how we currently apply our pre-application advice include:
- a tailored and equitable charging system for different types and scale of development;
  - a new charge for householder design advice;
  - a bespoke and comprehensive advice service to developers to include meetings and site visits; and,
  - an initial free "scoping" meeting with developers on major developments (of up to an hour) to identify the information required to be included with a pre-app submission and the required input from other departments of the Council such as Highways and Public Protection etc.
- 4.3 Under the new regulations, applicants for major developments and for Developments of National Significance (DNS) must now seek pre-application advice from the local planning authority. However, pre-application advice for minor and householder development is not mandatory. Householder advice is currently provided free of charge. The WG scheme now introduces a £25 charge for advice relating to the acceptability or otherwise of a householder development such as an extension or a garage.
- 4.4 Developers will have a choice as to which service they wish to receive from the LPA - the WG statutory scheme, which does not involve a meeting or internal consultations, or the BCBC scheme, which may involve a free scoping meeting, consultation with various internal specialists and further meetings/site visits as necessary. Discretionary advice would be appropriate, for example, when a householder or other party wants to find out if a proposed extension would fall

within permitted development limits or not, or wishes to know what surveys may be required.

- 4.5 The proposed charging schedule, which includes the fees for statutory and non-statutory/discretionary services, is attached at Appendix 2.

## **5. Effect upon Policy Framework & Procedure Rules**

- 5.1 The new Development Management Procedures and the statutory pre-application advice service have to be implemented by all LPAs in Wales.
- 5.2 The Welsh Government actively encourages LPAs to provide a non-statutory pre-application advice service in tandem with the statutory service.

## **6. Equality Impact Assessment.**

- 6.1 An Equalities Impact Assessment Screening has been undertaken and the proposed recommendations are unlikely to have an impact on equality issues.

## **7. Financial Implications**

- 7.1 The pre-application advice service will result in the use of additional staff resources but this will be off-set by the amount of income generated.
- 7.2 The HMRC have confirmed through the CIPFA VAT Committee that the pre-application service provided by Welsh LPAs is carried out under a statutory requirement and, when the system came into force on the 16th March 2016, the statutory service is to be treated as non-business and outside the scope of VAT. The non-statutory/discretionary service will remain VAT-able and the charging schedule includes VAT.

## **8. Recommendations**

- 8.1 That Cabinet:

- 1) Approves the content of this report and the adoption of a new pre-application charging regime from 13<sup>th</sup> June, 2016.

**Mark Shephard**  
**Corporate Director Communities**  
**7<sup>th</sup> June 2016**

### **Contact Officer**

Mr. Rhodri Davies

Development and Building Control Manager

Telephone Number: 01656 643152, e-mail: [rhodri.davies@bridgend.gov.uk](mailto:rhodri.davies@bridgend.gov.uk)

### **Background documents**

**Appendix 1:** BCBC's Existing Pre-Application Advice Guidance Note (since April 2011)

**Appendix 2:** Section 18 of the Planning (Wales) Act 2015

**Appendix 3:** Proposed Statutory and Non-Statutory Pre-Application Advice Charging Schedule