

DARTMOOR NATIONAL PARK AUTHORITY

AUDIT AND GOVERNANCE COMMITTEE

15 August 2014

CHARGING FOR PRE APPLICATION PLANNING ADVICEReport of the Director of Planning

Recommendation: That Members confirm their views on the introduction of charges and the draft charging schedule for public consultation

1 Purpose of report

- 1.1 Members will recall that a report was taken to the meeting of the Audit and Governance Committee on 21 February 2014 (NPA/AG/14/035). At that meeting it was resolved that:
- A detailed report be brought to the August 2014 meeting setting out how charges for pre application advice could be calculated and applied
 - Officers of constituent authorities to be asked for advice on the introduction of charges and the risks associated.
- 1.2 This reports sets out the business case pertaining to potential pre-application charges and a draft charging schedule together with a list of exemptions. For information the current charging schedule of West Devon Borough Council/ South Hams District Council (same charges apply to both Councils), and Mid Devon District Council is appended to this report.
- 1.3 Teignbridge District Council does not charge for pre application advice except in the case of major development pre application forum meetings. They have no current plans to introduce charges.

2 Breakdown of pre applications received in 2013/14

2.1 In the last financial year the following pre application enquiries were dealt with by the planning team. These are broken down into development types.

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| • Advertisements | 11 |
| • Changes of use | 62 |
| • Householder | 391 |
| • Listed Building Consent (LBC) | 68 |
| • 1-9 dwellings | 220 |
| • Other minor devt. | 198 (includes agr.buildings) |
| • Major residential (over 10) dwellings | 18 |

2.2 In terms of numbers of enquiries the bulk of the work appears to fall into householder, LBC, 1-9 dwellings and other minor development categories.

3 Pros and cons of charging

3.1 Disadvantages

- Reduction in customer satisfaction
- Additional officer time through the arrangements and senior officer checks that may need to be made. The impact of requiring officers to carry out further site visits in a small team already under pressure should not be under-estimated.
- Possible additional applications by those unwilling to pay for advice and using an initial application to identify any problems and then have a 'free go' via a re-submitted application
- Additional appeal work that may result in a higher refusal rate
- Negative perception of additional refusals
- Those put off by the cost with the resultant application being the poorer for it and perhaps needing more 'free' officer time to seek improvements to achieve validation and/or improvements during the course of determination
- Reputational risk to the Authority and adverse publicity
- Charging could be seen as contrary to the Vanguard ethos of encouraging early engagement

3.2 Advantages:

- Charging would remove frivolous 'what if?' enquiries
- Additional income to fund wider planning service costs
- Freeing up additional staff time through possibly less pre-app enquiries (depending on the chosen approach)
- Would bring us into line with our constituent district council partners
- Would put more emphasis on the private sector to provide advice rather than the NPA, particularly in LBC and more complex case work.

4 Potential income and risks

4.1 The advice from other colleagues in neighbouring authorities is not to rely on previous year's figures to produce an income generation figure. It is clear that on introduction of charges there is an immediate drop in the number of written pre app requests. There is likely to be initial resistance from customers and professional agents and a willingness on their part to test the system by putting in an application and then using the free go mechanism for a second application without planning fee. On the basis of the charging schedule set out below however, the Authority would have seen an income as follows:

Advertisements	£1,100	
Changes of use	£6,200	
LBC	£2,760	(based on a third proceeding to site visit)
1-9 dwellings	£33,000	(based on 1-2 dwellings as this is the majority)
Other minor	£15,840	
Major devt.	£7,200	(based on 10-30 dwellings)

Total income	£66,100	

- 4.2 Based on experience from constituent Councils in the area we could see an initial recoup of say a third of the above figure but this could rise in future once fees become more accepted. It will be important to monitor the impact of charges and how this affects both workload and income received, but it is considered that there is a prospect of receiving a reasonable level of income from a targeted charging schedule.
- 4.3 Further information is, however, being sought from constituent districts to inform Members of the potential costs set against the benefits. An update on this element will be given at Committee.

5 Householder advice

- 5.1 Members will note the number of householder enquiries received. This is consistently by far our biggest customer base. Whilst other Authorities do charge it is considered that this would be a retrograde step in many ways. At the present time on average most householder enquires could be dealt with as a desk top exercise within 1-2 hours. A site visit is only undertaken at present if the officer is passing a site whilst dealing with a submitted planning application. Normally site visits are not undertaken because of the level of work and a lack of officer resource. Given current tools available in the office however it is not essential to carry out a site visit. On this basis it is suggested we maintain the status quo, do not charge for householder advice and limit the time we take to two hours maximum. As a rule we should not offer site visits as we will not be able to achieve this given current staffing levels and application/other work.

6 Commercial/residential development

- 6.1 Conversely it seems to be normal accepted practice now for most planning agents to expect to pay a fee for pre app advice on commercial or residential type developments. In fact new agents submitting proposals tend to ask what the fee is when they contact us. There can be a distinction drawn as well in terms of householders wishing to improve their properties and developers who will clearly profit significantly from increased land values should planning permission be granted. In this respect it is recommended that fees are introduced for these and other categories noted above. Both West Devon and South Hams Councils along with Mid Devon District Council have a sliding scale of fees based on the number of residential units with the cut off being more than 2 and up to 9, with a higher fee paid for major developments of 10 dwellings upwards. This makes sense and is defensible and fair based on the uplift in development land values.

7 Listed Buildings advice

- 7.1 The area of work around Listed Buildings does deserve further consideration. There is no official charge for a formal Listed Building Consent application. The National Planning Policy Framework states clearly that local planning authorities should engage early to improve the quality of Listed Building application submissions. At the present time we offer a free service which is well received and has undoubted benefits in improving the eventual application submission and looking after Dartmoor's rich heritage. It would be a retrograde step if this were undermined in any way. Fee paying would be an obstacle and could lead to owners either submitting a poor quality application or taking a chance and doing the work without permission.

7.2 It is clear that giving advice sometimes requires specialist rather than generic knowledge, albeit the simpler Listed Building queries could be dealt with by a planning officer. In about a third of cases it is also the practice to carry out a site inspection which can take a number of additional hours taken into account travel time as well as time spent in the office. Each Listed Building pre app on average takes about two hours to deal with. This can double if a site visit is involved.

7.3 Unlike householder enquiries there will be times when a site visit is essential if we are to offer sound clear advice particularly related to the building concerned. In such cases it should be expected given the additional resources needed that the Authority should levy a reasonable charge. This would make a reasonable compromise between free advice delivered from the 'desktop' and advice following a site inspection.

8 Tree advice

8.1 The advice currently offered revolves around works to TPO trees, trees within conservation areas and trees which are dead, dying or dangerous. There are no official charges for formal applications for tree notifications or works to TPO trees. If specific advice is needed in relation to trees on a potential development site this can be picked up above as part of the charges levied for residential/commercial development. It is not considered appropriate that we charge for advice other than through that mechanism. Generally speaking unless the tree is part of a development site there is no commercial gain for the owner of a tree (predominantly householders and Parish Councils). It is however true to say that advice can be sought from the private sector. Turning people away or charging may however send out a poor message about conservation of the natural environment.

9 Advice regarding need for permission

9.1 Some Councils do not offer advice on the need for planning permission and point applicants to the formal Lawful Development Certificate route for which there is a planning fee and a formal binding decision issued. At the present time officers offer informal advice on the need for permission and then complete that advice by giving design/policy comments if appropriate. Officers are careful to point out that the nature of the advice is informal and not binding. It is considered that this friendly and helpful approach should be maintained rather than pushing all customers through the formal route. In most cases the need for permission will be obvious. If there is a doubt this will be expressed in any letter and the applicant given the choice and told not to rely wholly on the informal advice tendered. This advice can be included therefore in the general pre application fee.

10 Charges and how these are formulated

10.1 Members are referred to the charging schedule for West Devon/ South Hams Councils and the latest charging schedule for Mid Devon Council. In discussion with senior officers of those Councils it became clear that the formulation basis of the various charges was based on a mixture of identifying officer costs and benchmarking against other local authorities in the area.

10.2 In setting any charge for pre app advice much depends on the nature of the enquiry and the number of officers potentially involved. A typical planning officer cost is between £25 and £30 an hour including overheads but excluding travel costs. The suggested charging schedule set out below is considered to be a reasonable and

defensible position to take and is based on salary and overheads and is comparable with other Authority charges in the area. In this respect there is little likelihood of challenge or accusations of recouping more than the costs of the service provided.

- 10.3 In general terms it usually takes about 1-2 hours to process householder and Listed Building enquiries as a desktop exercise. A site visit will increase the time spent by 2 hours. A small scale minor application would take longer, potentially up to 4 hours without a site visit or 6 hours with a site visit. It is likely that a number of officers could be engaged in providing one single comprehensive piece of written advice on pre-apps above householder level, eg, planners, archaeologist, ecologist, historic buildings officer and trees officer.

11 Set up costs

- 11.1 Members will note from the appendices to this report that detailed advice notes need to accompany any charging schedule. This can be done in house and will be relatively straightforward to pull together. In addition the IT demands of a charging system have been considered and do not present any technical or financial difficulties in setting up an on line payment system. Some limited officer time will be needed but no significant changes or upgrades to our systems are required. At the present time all pre application enquiries are logged onto our planning database. Unlike planning applications pre app enquiries are not retained other than in paper form for a period of 4 years and then disposed of. If a pre app enquiry turns into a planning application then this is picked up by the administration team as part of the checks on validation and the pre app papers are scanned as part of the planning archive once a decision is made. The pre app advice is not made a public document for all to view however. In resource terms this is the most cost effective way of dealing with and retaining a record of the pre app advice given. It is also the case that the text of any letter is usually entered onto the database. This can continue as present. Bearing in mind that only a small number of pre apps turn into applications there seems little point in scanning everything.

12 Payment methods

- 12.1 There will be costs accrued in dealing with payments. The simplest method of payment would be an online system as is currently in place for planning applications. Councils generally also offer payment by cheque and other methods but this will increase costs. It is recommended therefore that we use an online system only. The actual cost of administering the system will be in the order of less than £1 per transaction. It will be important to have a robust system in place to require upfront payment **before** the enquiry is processed.

13 Exemptions

- 13.1 As with planning fees there should be some exemptions to any charging schedule. It is considered the following exemptions should apply. These generally reflect those exemptions listed by our constituent districts.

- Parish Councils (own land or land they are to acquire)
- Householder development within the curtilage of a dwelling house (not change of use of land outside the curtilage)
- Listed Building advice with no site visit
- Registered charitable organisations or not for profit organisations
- 100% affordable housing schemes

- Rural 'exception' site affordable housing schemes
- Cross subsidy schemes to be based on open market proportion to assess fee
- Enforcement enquiries to regularise unauthorised development
- Generic advice over the telephone or in reception but on a very limited time basis (no more than 5/10 minutes)
- Power of absolute discretion to Director to waive or refund any fee but only in exceptional circumstances.

14 Timescale to give advice and process

- 14.1 At the present time the Authority has an informal target of 28 days. Our performance to date varies but generally meets this target dependant on the nature of the enquiry. It is considered that the 28 day target should be retained. The exception to this target should be for major developments in which case a timescale will be agreed dependant on the complexity of the proposal on a case by case basis.
- 14.2 A simple to follow process is suggested supported by a standard application form and advice notes on what to submit, standards of service etc. See appended flow chart.

15 Financial Implications

- 15.1 The potential income generated is set out above. Expenditure to set up the system will be minimal. There will undoubtedly be a drop in the number of pre application advice requests on fee paying items. A likely increase in the rate of refusal could have a knock-on impact on the number of appeals. This area of work is resource intensive in officer time. Further information on this will be presented to Members at the Committee meeting. Should fees be introduced a quarterly assessment will be made and further reporting to Committee is anticipated at the end of the first year following the introduction of charges.

16 Equality and Sustainability Impact Assessment

- 16.1 Members will note a number of exemptions to fees set out above. These are aimed at those customers who are less able to afford fees and for whom there are different needs from the planning service. We will continue to offer free householder advice, and free advice to community not for profit groups provided they are properly set up and constituted. Registered charities will also be exempt. The Director will maintain a power to exempt in special circumstances if required taking into account equality and sustainability issues.

17 Conclusion

- 17.1 Members are asked to consider the report and draft charging schedule. A key issue for consideration is the relative merits of a potential new income stream to offset costs and/or reduced workload (ie through reduced volume of pre-application enquiries) versus the negative perception of charges, the potential impact in terms of 'poorer quality applications', increased refusal rates and appeals.
- 17.2 If Members wish to proceed with potential pre-application charges, the next stage is a report to Authority to approve a public consultation paper. Results of the consultation will be reported to Authority for decision on whether to proceed.

Suggested timescale for implementation is the start of the 2015/16 financial year.
Fees would then be reviewed annually.

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Background Papers and appendices

(NPA/AG/14/035)

Attachments: **Appendix 1 - Draft charging schedule for Dartmoor National Park**
 Appendix 2 - Charging schedule of Mid Devon District Council
 Appendix 3 - Charging schedule of South Hams District Council/West Devon Borough Council
 Appendix 4 - Flow diagram of process

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