

## **Planning - Discretionary fees for Pre-application advice and associated services.**

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### **Purpose of the Report**

1. The purpose of the report is to set out proposed changes to the established Pre-application charging regime operated by South Somerset District Council.

### **Forward Plan**

2. This report appeared on the Executive Forward Plan for April 2022.

### **Public Interest**

3. The Council provides a number of discretionary planning services in addition to the determination of planning applications and other development consents.
4. In April 2017, the Council introduced a charging schedule for providing pre-application advice. This charging schedule has not been reviewed over the ensuing 5 years. The schedule is a relatively simple document seeking fees for pre-application advice in relation to householder applications, minor and major development and changes of use.

### **Recommendations**

5. That the District Executive recommend that Full Council agree to the recommended changes to the Schedule of Pre-application and discretionary planning fees.

### **Background**

6. The Council's pre-application fees schedule is overdue for review. Since being introduced in 2017, neighbouring authorities including Dorset, Somerset West & Taunton and Mendip have revised and extended their charged for discretionary services.
7. As drafted, the Council's charging schedule does not make it clear whether the charges apply equally for commercial and community projects. There is no mention of agricultural development and proposals for 100% affordable housing schemes are treated in the same way as open market developments. Additionally, no charges were made for work undertaken by the council's heritage and arboricultural staff in respect of pre-application or general advice.



8. Over the ensuing five years neighbouring authorities has refined their pre-application charging schedules, including additional services within the scope of charged for assistance and clarifying other services for which time and resources are frequently expended without staff time and costs being recouped. These include copying and printing planning histories, clarifying the discharge of conditions and enforcement notices and undertaking history searches.
9. To reduce the gap between overall planning service costs and income from application fees and discretionary services there is merit in revising and clarifying the services for which cost recovery is required.
10. Currently the Council budgets to receive some £68,000 in pre-application fees. It is clear however that there are opportunities to increase fees as well as extending the range of services for which fees are charged that could allow the Council to increase its pre-application income.
11. Additionally, there are areas of pre-application advice for which charges are currently made where there is an opportunity to link the council's support for community project development as well as the delivery of affordable housing where the Council can demonstrate its support by providing a nil cost pre-application service.
12. A review of the pre-application charging schedule also aligns the charges the Council seeks with those of neighbouring authorities in Somerset.

### **The Revised Pre-application charging schedule and discretionary fees**

13. Appendix 1 sets out the revised charging schedule. Key changes from the 2017 document comprise:
  - Dealing with permitted development queries through an application for a Certificate of Proposed Lawful Development. This removes uncertainty that pre-application advice is not binding and the 3<sup>rd</sup> party cannot rely upon advice only where any enforcement investigation is later pursued.
  - Revising householder advice to cover costs
  - Introducing fees for listed building and arboricultural advice
  - Defining the number of meetings and costs per officer attending
  - Clarifying that community and affordable housing schemes are fee exempt
  - Providing more clarity regarding development scale within the minor and major categories
  - Clarifying fees for agricultural development separate to other minor / major development types
  - Bringing together fees for S.106 monitoring, hard copy application handling fees, post decision enquiries as well as administrative research.

### **Financial Implications**



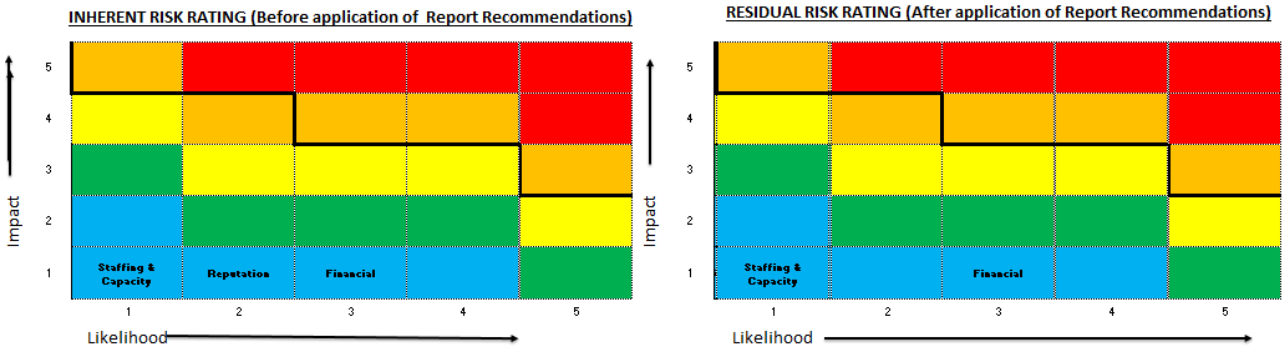
# South Somerset District Council

14. There is a financial benefit to the Council from being able to secure fees for professional advice and administrative support for activities which are currently non-statutory but take up significant resource.

## Legal implications (if any) and details of Statutory Powers

15. There are no legal implications arising from this report

## Risk Matrix



Risk Re	Risk Category	Inherent Risk Rating	Residual Risk Rating
1	Project / programme delivery	0	0
2	Financial	4	4
3	Delivery of Services	0	0
4	Staffing & Capacity	1	1
5	Reputation	3	4
6	Health & Safety	0	0
7	Governance & Legal	0	0

Risk Description	Mediation / Controls
0	0
Income generation	Implement revised fee charging
0	0
Additional resources	Unlikely to fund additional staffing
Possible adverse if advice is not bespoke	Review advice before issued
0	0
0	0

## Council Plan Implications

16. These revisions will enable cost recovery for discretionary services to better enable the service to support the Council's Priority Projects relating to regeneration and the delivery of key housing sites and associated infrastructure.

## Carbon Emissions and Climate Change Implications

17. Nothing arising from this report.

## Equality and Diversity Implications



## South Somerset District Council

<i>An Equality Impact Relevance Check Form has been completed in respect of the Proposal?</i>	Yes
<i>The Impact Relevance Check indicated that a full EIA was required?</i>	No
<i>If an EIA was <b>not</b> required please attach the Impact Relevance Check Form as an Appendix to this report and provide a brief summary of its findings in the comments box below.</i>	
<i>If an EIA <b>was</b> required please attach the completed EIA form as an Appendix to this report and provide a brief summary of the result of your Equality Impact Assessment in the comment box below.</i>	
<b>Additional Comments</b>	
<i>The Council currently operates a pre-application charging schedule. This does not differentiate between application types within the categories of householder, minor or major development. The current proposal seeks to update and extend the range of services that can be provided subject to cost recovery. There is no obligation upon potential applicants to use the service that is the subject of this report.</i>	

### Privacy Impact Assessment

18. There are no privacy issues raised by this report.

### Background Papers

- Appendix A – Pre-application and Discretionary Service Charges
- Appendix B – Equality Impact Assessment Check Form