

EXECUTIVE BOARD
28TH SEPTEMBER 2015

Pre-application Fees

Recommendations / key decisions required:

To consider and agree an option for introducing charges for pre-application advice prior to the potential submission of applications for planning approval.

Reasons:

Nationally set fees are to be introduced, having been the subject of a Welsh Government consultation earlier in 2015, and more recently as part of an additional ongoing consultation that frames a charging schedule. However in order to benefit from increased income to the authority, it is proposed that the charges be introduced immediately.

Relevant scrutiny committee to be consulted YES

Scrutiny committee and date: Community Scrutiny – November 2015

Exec Board Decision Required YES

Council Decision Required NA

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Councillor M Gravell

Directorate Environment Name of Head of Service: Report Author: E Bowen	Designations: Interim Director of Environment	Tel Nos. 01267 224647 E Mail Addresses: EBowen@carmarthenshire.gov.uk
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EXECUTIVE SUMMARY EXECUTIVE BOARD 28TH SEPTEMBER 2015

Pre-application Fees

One of the central themes of the Welsh Government's reform on the planning system in Wales is to "frontload" the Development Management process, and the Planning Act introduces new pre-application processes that will be key to the delivery of effective frontloading. Section 18 of the Bill introduces a new statutory requirement for Local Planning Authorities (LPAs) to provide pre-application services to applicants.

The statutory service would apply to development proposals that would need an application for planning permission in order to be implemented, and would require LPAs to provide a written response to pre-application enquiries, when submitted on a standardised form with the correct fee, within a given timeframe. The proposed timescale for a response to be provided from the LPA to the applicant is 21 days from the receipt of a valid pre-application enquiry. For more complex cases, provision is made to allow an extension of time when this is agreed in writing by the LPA and applicant.

Only enquiries submitted on the pre-application enquiry form will be able to access this statutory pre-application service. The minimum requirements to be included in the written response are set out in the consultation paper; and a proposed schedule of charges appears in the document.

Any additional written advice or meetings from LPAs to applicants regarding their pre-application enquiry will not form part of the statutory service. However, LPAs will be encouraged to provide a pre-application service over and above the statutory minimum, and it is recognised that this may be subject to a discretionary charge under section 93 of the Local Government Act 2003. Clarity around what this may encompass will, hopefully, emerge from the consultation process.

The authority have been considering introducing such charges, following the trend set by a number of planning authorities; indeed, there could be a perception that the Authority is currently acting in isolation of authorities in the region in this regard. However, as the proposal appeared in the Bill, the decision to introduce charges in Carmarthenshire has been deferred until the nationally proposed charges were known. Some authorities have set the fee above the proposed in the consultation paper and may well be required to reduce them should the proposals as consulted on be implemented. One example is the City and County of Swansea, who do not charge for householder development (proposed to be £25 in the consultation document), but levy a £750 charge for major developments, with the proposal for a national charge for major schemes being £300. This compares with £600 levied by Neath and Port Talbot and a sliding scale for major applications within the Brecon Beacons National Park ranging from £1200 to £3000.

LPAs will also be required to provide a pre-application service for a new category of applications, Developments of National Significance (DNS), a national fee of £1,000 is proposed. LPAs will have 28 days to provide a response with provision made to allow an extension of time when this is agreed in writing by the LPA and applicant.

A nationally set scheme of charges is seen as a rational approach to ensure consistency, coupled with a nationally set standard of service.

The authority already offer a pre application service however given the trend to charge and the proposed national fees, it is timely for Carmarthenshire to introduce charges, options include:

Option 1: Await the outcome of the consultation (closes September 11th) and implement charges when they are set by Welsh Government. No date set however it will require secondary legislation.

Option 2; Introduce the charges as proposed in the consultation document; with the risk that these could be increased or reduced, the latter is unlikely, however the issue can be overcome by placing a caveat on any proposal that they will reflect the nationally set levels once these have become law.

Option 3: as with 2 however add other charges on issues not covered by the nationally listed developments, such as work on Tree Preservation Orders, and review existing charges such for High Hedge disputes.

The proposed fees will not apply to Nationally Significant Infrastructure Projects, as the legislation relating to NSIPs (Planning Act 2008) applies to England and Wales and work is presently being considered on two schemes in Carmarthenshire and. Both relate to the Brechfa West wind farm and discussions are ongoing on a Planning Performance Agreement to resource the consideration of these matters.

DETAILED REPORT ATTACHED ?	NO
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: E Bowen

Director of Environment

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	YES	NONE	NONE	YES	NONE

Legal

The Planning Act 2015 received Royal Assent in July; Section 18 of the Act introduces a new statutory requirement for LPAs to provide pre-application services to applicants.

Under section 93 of the Local Government Act 2003 Local Authorities may charge for discretionary services.

Finance

While a pre-application service is already provided it is difficult to assess take up once a fee is in place; any income received will fund graduate posts and the position will be reviewed in two years.

Staffing Implications

Two graduate planning trainees are in the process of being recruited for a temporary period of two years, to ensure the statutory deadlines quoted are met.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: E Bowen

Interim Director of Environment

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee – N/A

2. Local Member(s) - N/A

3. Community / Town Council – N/A

4. Relevant Partners - N/A

5. Staff Side Representatives and other Organisations – N/A

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection