

# North York Moors National Park Authority

25 June 2018

## Review of Planning Charges for Pre-Application Advice

### 1. Purpose of the Report

- 1.1 To agree revised fees for the Authority's current schedule of non-statutory planning charges to meet targets for Planning income generation.

### 2. Background

- 2.1 Charges for providing pre-application advice and some planning admin services were first introduced on a limited basis in January 2012 for a provisional period of one year. The fee schedule was carefully considered to strike the right balance between offsetting some of the costs of providing a proactive advisory service and not deterring applicants from seeking such advice. Consequently, fees were introduced for higher value schemes rather than householder planning applications which make up the bulk of applications received. Charges were therefore applicable to proposals for larger scale developments such as two or more dwellings, farm buildings over 465msq, mineral extraction and major development proposals (the latter attracted the highest charge of a flat fee of £250 plus £50 per hour).
- 2.2 At the end of 2012, an assessment of the impact of this charging was undertaken and it was considered that although the scheme had raised relatively little income (£1100), neither had it appeared to have had any significant deterrent effect on applicants wishing to seek such advice. It was therefore decided to adopt charging for these services on a permanent basis, increase the fees more in line with other local authorities and to extend their scope slightly. This was introduced in January 2013 and has now become an accepted part of the planning service of the Authority. So far this year it has brought in over £4000 in income.
- 2.3 At the end of 2014, a further extension of the scheme was introduced to effectively capture all of the categories of development for providing pre-application advice including householder development together with a number of new planning services to be provided by planning and admin and legal staff. Fees were increased in line with inflation in March 2016 and have not been reviewed since. The income target for 2018/19 is £20,000.

### 3. Comparable Local Planning Authority Pre-application Charging Fees

- 3.1 There was a decision when the charges were first introduced that the fees be reviewed at periodic intervals to account for inflation and to remain comparable but competitive with other local planning authorities.
- 3.2 All our surrounding Local Planning Authorities with the exception of Redcar and Cleveland have charged for providing pre-application advice for some time and this is a now accepted part of the planning service to potential applicants, representing a very small part of the overall costs of even minor development proposals. The fee structure for charging in these local authorities reflects the much greater level of development pressure outside National Parks and charges for advice relating to housing developments in particular are significantly higher than the Authority's fees.

For example, Hambleton charge £65 for householder advice, £265 for up to four dwellings and £530 for five and above. Scarborough charge £84 for householder advice, £216 for up to nine dwellings and £480 for proposals for over nine. It is therefore more relevant to compare the fees of other National Parks and the table below provides a comparison with our current charges.

	North York Moors	Yorkshire Dales	Northumberland	South Downs	Peak District	Dartmoor	New Forest
“Do I need Permission”	£35	£30	£20	0	0	0	0
Householder	£35/£65*	£55	£60	0	£100	0	£55
1-2 Dwellings	£55/£85	£60/£120	£100	£240	£150/£250	£165	£115
3-9 Dwellings	£125/£155	£120/£240		£360	£500/£750	£330	£595
Other development (e.g. agricultural)	£35/£65 £55/£85			£72	£250	£85	£210/ £420
Major Development	£250	£180/£360	£250	£1800	£1000/ £1500	£440	25% of app fee

\*Second figure refers to advice including a site visit

3.3 It is clear that the NYM charging is extremely competitive compared to other National Parks, with only the Yorkshire Dales fees being similar and where fees are charged we are generally the cheapest National Park. The two larger Parks which have significantly greater levels of development (housing in particular) have charges set at rates three to five times greater than ours. Several National Parks still provide a free advice service for householder development and basic planning enquiries about the need for planning permission. This approach was considered early on in the introduction of our scheme and its subsequent permanent adoption and charging across the board has now become an accepted part of our service.

#### 4. Proposed Fee Changes

4.1 It is considered appropriate to increase fees, partly to reflect general rising costs over time, but also to ensure the levels remain realistic and reasonable to reflect the amount of work involved in provided the service. In comparison with other National Parks, our fees are lagging behind and this was highlighted as an issue in the recent light-touch review of the development management service by POS Enterprises in November last year. The report stated that:

*“The authority currently charges for pre-application discussions and its annual income target for this service is £20,000. Fee levels have deliberately been kept low and the authority has decided that it is not appropriate to introduce a Community Infrastructure Levy (CIL) in the park. It is suggested that in comparison to local authorities some of the pre-application charges are very low and should be reviewed”.*

4.2 Changes to fees should also be considered in the context of public comment about the planning service and the recent Planning Customer Satisfaction Survey provides feedback on all aspects of the service in addition to pre-set questions. Comments made in relation to planning pre-app charging were:

- *Pre-app advice should be free like Listed Building consent.*
- *System works well and fees are reasonable and a small increase would not affect us using it.*
- *Planners are paid public servants and charging is disgraceful.*
- *The system of charging is frustrating and puts me off using it.*
- *The NYMNP charging pre-app service is better compared to other local authorities in the area.*
- *It is inexpensive but of limited quality.*

4.3 These do reflect mixed views and certainly there is still a feeling from some that public services are already funded through general taxes and should therefore not be subject to specific user charges as well. However, public sector budgets are still subject to intense restrictions and although the National Park core grant has been 'stabilised' with a small 1.7% annual increase up until 2020, the future beyond this is still very uncertain. The Authority has set a series of income targets and there will be areas where these will not be attained – for example Enforcement Cost Recovery and potentially S106 contributions. It is therefore important that our pre-app charging schedule is maintained and fees increased proportionately. The table below puts forward recommendations for increases:

<b>Service Provided</b>	<b>Current Fee</b>	<b>New Fee from 2July</b>
Written replies to "Do I Need Planning Permission?"	£35	£40
Verbal replies to "Do I Need Planning Permission?"	No Charge	It would be unreasonable not to continue with this service as Officers would have to decline to speak, though applicants will also be encouraged to seek written confirmation in greater detail
Pre-application advice for major developments <sup>1</sup>	£250 (Any further meetings etc. charged at £50 per hour)	£300 plus increase of hourly rate to £60
Pre-application advice for 3-9 dwellings and all other development (not included in major or householder) <sup>1</sup>	£125/£155 <sup>2</sup>	£140/£170 <sup>2</sup>
Pre-application advice for up to 2 no. dwellings, barn conversions, changes of use.	£55/£85 <sup>2</sup>	£60/£90 <sup>2</sup>
Pre-application advice for householder development within the domestic curtilage.	£35/£65 <sup>2</sup>	£40/£70 <sup>2</sup>
Agricultural Development up to 1000 square metres		
Answering written private search/planning queries	£25	£30

Emailing copies of historic decision notices	£10	£10
Checking of planning applications in reception	£15	£20
Minerals/Waste Site Monitoring visits ( set by Gov)		Start charging national fee - £331/£110 fee
Drafting of S106 Notices <sup>3</sup>	£600 flat fee + £50 hourly rate	Retain £600 flat fee + £50 hourly rate
Modifying/removing existing S106 Agreements	£50 per hour	
Application map provision service	£25	Retain charge of £25
Home buyers/vendors planning assurance letter (currently under consideration) <sup>4</sup>	£125/£155 <sup>2</sup>	£140/£170 <sup>2</sup>
District Searches	£25	Increase fee to £30 (as a more accurate reflection of work involved)

4.4 The above table does not include negotiated S106 contributions/affordable housing commuted sums or the recovery from applicants of consultant fees (e.g. housing viability studies), or income received from any shared service or consultancy provided by planning staff. These activities should generate additional but irregular income some of which must be spent on specific areas.

<sup>1</sup> Definition of major development in MHCLG statistical returns. Includes advice relating to all proposals under the planning acts, e.g. adverts/Listed Buildings and also enforcement.

<sup>2</sup> Charges based on amount for office based review and advice with extra £30 if site visit is required

<sup>3</sup> Extra hourly rate applicable for complex S106 Agreements on top of base £600 – or for checking Unilateral Undertakings from applicants.

<sup>4</sup> The purpose of this service is to allow prospective purchasers of land or buildings to enquire of the Authority whether the current state of the land is likely to be in breach of planning/Listed Building control, with advice as to how to rectify any anomalies.

## 5. Exemptions and Concessions

5.1 Certain types of planning applications and specific applicants are subject to exemption or concessions from planning application fees in recognition of their important community benefit or charitable status. It is considered that this approach should also be retained reflected in the fees levied for pre-application advice and the following rates should be maintained.

- Advice to Parish Councils and Charities– 50% of fee
- Advice to Registered Housing Providers – no fee
- Advice to Strategic Partners (e.g. Forestry Commission or Environment Agency) – no fee provided there is no fee charged by the agency to the NPA for its services
- Applications required to meet disability legislation – no fee
- Cross boundary applications – 75% of fee.
- At the Director of Planning's discretion

6. **Financial and Staffing Implications**

- 6.1 No additional staffing implications but additional income is likely to ensure ambitious planning income targets for 2018/19 are met.

7. **Contribution to National Park Management Plan**

- 7.1 Though not directly related to specific policies in the Management Plan, additional income to the Authority will increase its ability to implement policies within it.

8. **Legal Implications**

- 8.1 Section 93 of the Local Government Act 2003 gives local planning authorities a power to charge for providing services that they are not statutorily required to provide. Charges can be set at whatever level the Authority sees fit, provided the charge does not exceed the cost of providing the service.

9. **Recommendation**

- 9.1 That Members agree to increase the schedule of charges for pre-application advice and other non-statutory parts of the Authority's planning service as set out in the table in section 4.4 of the report with effect from 2 July together with the exemptions included in section 5.1.

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**Background papers to this Report**

1. NYMNPA Committee Report 20 October 2011 - **Introduction of Planning Charges for Pre-Application Advice and for Section 106 Agreements**
2. NYMNPA Committee Report 17 December 2012 - **Review of Planning Charges for Pre-Application Advice**
3. NYMNPA Committee Report 15 December 2014
4. December 2014 - **Extending Planning Charges for Pre-Application and Enforcement Advice.**
5. NYMNPA Planning Officer Society Enterprises - **Development Management Scoping review – FINAL REPORT November 2017**
6. **NYMNPA 2017 Planning Customer Satisfaction Survey**